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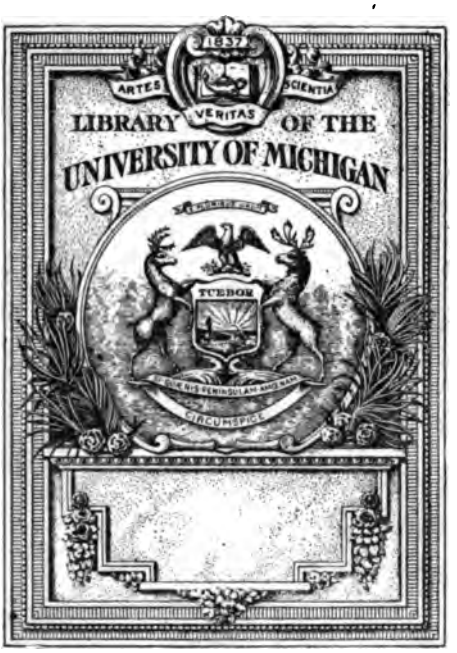
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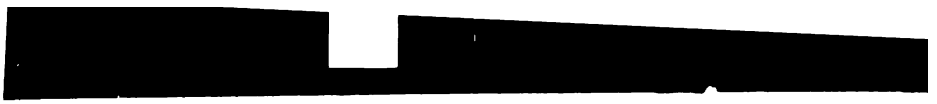



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I.

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ATLANTIC OCEAN
GULF OF MEXICO
TERRITORY BELONGING TO GEORGIA
Detroit
Louisville
Philadelphia
Savannah
Augustine
Mobile
New Orleans

in 1789.



HISTORY

OF THE

UNITED STATES OF AMERICA,



UNDER THE CONSTITUTION.

BY

JAMES SCHOULER.

REVISED EDITION.

VOL. I. 1783–1801.

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PREFACE.

To write, without fear or favor, a History of the United States under the Constitution has long been my cherished wish. For more than fifteen years past I have, as a diversion from graver professional tasks, pursued special studies for that period which ends with the War of 1812; and it is ten years ago this day since I laid aside the first draft of the Introductory Chapter contained in the present volume to fulfil more pressing literary engagements of another character.

These statements, which the reader may think trivial, I make in order to convince him that the present work has not been undertaken hastily nor without serious preparation. There is no narrative in existence from which one may safely gather the later record of our country's career; no narrative, I mean, of ample historical scope, prepared from a critical and minute study of the copious materials of the past. The venerable Mr. Bancroft's masterly achievements as the historian of America stop short of the constitutional era; it is our colonial and revolutionary periods alone that he has made his own. We can find but one work, that of Mr. Hildreth, which shows the diligent research of a scholar among the accumulated records of 1783–1817, a work of whose high merits as to the three final volumes I may be permitted to speak after a minute comparison of almost every page with authentic materials elsewhere gathered; yet Mr. Hildreth wrote more than thirty years ago, with the horizon lines of his generation. Since that time the lives and writings of Hamilton, the Adamses, Jefferson, Madison, Monroe (whose private papers at the State Department are not yet printed), Pickering, Cabot, Gallatin, and other early leaders of our constitutional era, not excepting Washington himself, have been far more

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fully explored, while Griswold, Lossing, Westcott, and others, give us many new picturesque details of the early administrations, without by any means exhausting the supply. While confirming Mr. Hildreth's accuracy, therefore, in general details, I am constrained to differ from him in many particulars, and most widely as to estimates of our political leaders and their motives; the plan, too, the expression, the historic unities of his work by no means coincide with those herein favored.

Some of our later biographers, I may add, have touched upon this same period of American history, as illustrated by the posthumous papers of the particular statesman described. But all such narratives are partial and incomplete, historically considered, however gratifying to the mind and graphic may be the portraiture of society from its representative men. Political biography distorts events necessarily to give effect to a personal example; for the public progress of a new republic and of a people like ours is the advance of a swelling host whose force and direction are determined by a myriad of influences, while individuals who contribute their strength rise into view and then disappear. It is to trace this general advance, and distinguish these impelling influences, whether individual or collective, political, moral, or social, that one should devote himself in a work like the present; and in pursuance of such an object I have availed myself of whatever fresh materials such writers and collectors furnish, without relying implicitly upon any one of them.

My main desire is to interest and instruct my countrymen in a period of American history which exhibits the primitive Union, and primitive manners; a period whose lessons are most salutary even at this day, though the march of events be unaccompanied by "sonorous metal" or martial pomp.

To enumerate the authorities consulted for these two volumes[1] would savor too much of pedantry. The leading

[1] The present volume conducts the narrative to March, 1801, and the second volume, now in active preparation, continues it to March, 1817.

works relied upon will be found cited in the foot-notes, and to many of them I have just alluded; though these are by no means the author's sole sources of information. Most of the localities described are personally familiar to me, and local information has been gleaned in various directions. My chief acknowledgments are due to the successive Secretaries of State, Seward, Fish, and Evarts, for information contained in the public archives; to Mr. Spofford, the Librarian of Congress; and for valuable materials relating to early abolition societies, and Philadelphia as our temporary capital, to Mr. Wallace, President of the Pennsylvania Historical Society. I have made free use of three excellent libraries, the Library of Congress, in Washington, and the Public and Athenæum Libraries in Boston, of which the last named has a choice collection of old newspapers and periodicals, highly valuable. All accessible evidence, from whatever sources, has been eagerly gathered, which, however, I have sifted and weighed by the usual rules, preferring at all times contemporary testimony to that of later compilers.

JAMES SCHOULER.

NORTH CONWAY, N.H., July 15th, 1880.



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HISTORY

OF

THE UNITED STATES

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THE THIRTEEN CONFEDERATE STATES.

1783–1787.

AT the close of our Revolution THE UNITED STATES OF AMERICA comprised the same thirteen republics whose representatives, assembled at Independence Hall, had, in the name of the American people, so boldly flung defiance at George III seven years earlier, declaring the united colonies absolved from all allegiance to the British crown. "Free and independent States," they were then proclaimed; rightfully free and independent of the mother country, the king was after a long and stubborn contest compelled to acknowledge them. But meantime, they had, by mutual assent, advanced to the condition of a confederacy, intended to be perpetual, whose style, never since relinquished, was foreshown in their charter of independence.[1]

Though covering less than one-fourth of its present territorial space, the domain of the United States was at this

[1] As to the style, "United States of America," cf. Articles of Confederation, Art. 1; Constitution of United States, Preamble; Declaration

period vast, and, as compared with European nations, magnificent; comprising an area, in fact, so great for experimenting in self-government that sagacious statesmen of the Old World prophesied with confidence a speedy failure. On the east and west the United States had natural boundaries, the Atlantic Ocean and the broad Mississippi. The chain of great lakes stood out like a bastion on the northern or British frontier, whose line, however, ran unevenly, and at the northeast and northwest corners promised occasion for further dispute. The southern boundary, fixed by the treaty of peace at parallel 30°, was the most uncertain and unsatisfactory of all; for leaving out of view what the parties to that treaty might themselves have intended, the title of the neighboring possessions vested substantially in Spain, a stealthy foe to the United States, who had artfully kept out of the negotiations at Paris, and still guarded, as well as her decaying strength would permit, the mouth of the Mississippi and the Gulf coast.[1]

Fortunately for our infant confederacy, the present sparseness of population on these long frontiers favored a postponement of controversies, which the law of human increase must eventually have determined in her favor. Of the extensive jurisdiction possessed by virtue of her own sovereignty, and that of individual States, much was a wilderness, given over to the bear and bison and their red pursuer; woods and canebrakes marked the sites of cities

of Independence, closing paragraph. These were the old thirteen Colonies or States: New Hampshire, Massachusetts (or Massachusetts Bay), of which at this time Maine constituted a district, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

[1] Six only of the original thirteen States had at this time exact boundaries, viz.: New Hampshire, Rhode Island, New Jersey, Pennsylvania, Delaware, and Maryland. Certain of the other seven States claimed a western expanse of territory to the Mississippi River, while others had asserted that their title stretched across the continent to the Pacific Ocean. But all these territorial claims, founded in colonial charters, were finally ceded to the Union, whose true western boundary, conformably to the Treaty of 1783, became by general recognition the Mississippi River.

since illustrious. Log-forts and trading-posts were the precursors of civilization on our northwestern frontier; and Great Britain's delay in surrendering them according to the terms of the treaty, for which one and another pretext was assigned, proved a serious hindrance to the settlement of that region. South of the Ohio River a movement from Virginia and the States adjacent, into what was called the Kentucky country, had already begun. But nearly the whole population of the United States was at this time confined to the eastern slope of the Appalachian Mountains. Commercial traffic kept the inhabitants close to the sea, and its immediate tributaries. New York State, west of the Schenectady cornfields, remained an Indian country, the home of the once warlike Five Nations. The American Union was in effect an Atlantic confederacy; every State bordered upon that ocean or its tide-waters, whose eastern waves washed Europe; and to the Americans of 1783 who turned westward, the blue Alleghanies seemed as remote as did the Pillars of Hercules to the ancients.

The total population of the United States in 1783 may be estimated at somewhat less than three and a half million souls, or only one-eleventh of the number of inhabitants shown by the census of 1870. A single State, and not our largest, Pennsylvania, has to-day more men, women, and children within its borders than were then in the whole American confederacy. The population of the Union appears to have been distributed in three nearly equal portions: New England holding one-third; another belonging to the Middle States, namely, New York, New Jersey, Pennsylvania, and Delaware; while the Southern States took the residue. Virginia, Massachusetts, and Pennsylvania were the most populous States of the confederacy; Georgia and Rhode Island the least.[1]

Not all of these three and a half millions, scarcely more,

[1] The above estimate of population is approximate only, since no regular census of the United States was taken before 1790. Official statistics of a few States about this period are to be found in 2 Holmes's Annals and appendix. And see 3 Bancroft's United States (cent. ed.), 83; Niles's Register, October 5, 1811.

probably, than four-fifths of them, could be reckoned as free inhabitants. Allowing for some fifty thousand free persons of color scattered through the country, there must have been at this period no less than six hundred thousand men, women, and children, held in servitude to white masters, and utterly denied the exercise of political rights. They were of African origin; and so conspicuous a part in colonizing the New World had been borne by this accursed traffic with the dark continent, that American slavery, unlike that familiar in the records of ancient history, came to exist purely as a race institution; as the subjection, not of debtors or vanquished enemies, but of an alien, uncouth-looking people, whom the Caucasian could hardly regard without mirth and contempt, even when moved to compassion for their wrongs. Such a slave institution is the hardest of all to eradicate from a community; for the oppressed must win genuine respect before the oppressor will admit him to full companionship and social equality, and slow must be the opportunity. Ethiopian immigration to America other than compulsory was unknown. Negro children were born into the bondage of their parents; and thus before 1783 had the woolly head, thick lips, and ebony complexion become in America the recognized badge of subjection and inferiority. No artifice could conceal the tokens of servitude, no waters wash out its stain. Even when manumitted, the freedman with these birth-marks was in constant danger of being arrested as a runaway. The Indian's courage and ferocity preserved him from this degraded condition; he might be hunted down, but who could yoke the jaguar to the plough? Americans boasted their descent from Indian chiefs, but none took pride in an Ethiopian pedigree.

The resistless logic of one burning sentence, seared into the American mind for nearly a century, has, more than all else that was ever written or spoken, wrought the downfall of slave institutions in the United States. That sentence, the statement of truths "self-evident" in the Declaration of Independence, found its way into one State constitution after another. It has been for successive

generations a bosom text; and incorporated moreover into the charters of Spanish-American republics not yet so favored, it serves everywhere as an inspiration to struggling humanity.

In 1783 there was a public conscience; yet the menacing danger of a practice so utterly at variance with the fundamental theory of our government that all men were created equal, was but dimly apprehended. Europe, in her greed for gain, had from the outset woven slavery into the warp of her colonial policy that the home revenue might be greater. Not guiltless was Great Britain of this offence; but for the sake of rice, tobacco, and indigo, to be interchanged with home manufactures, her ministry had crammed negroes into the Southern country regardless of the colonists' complaints. In vain had the Virginia House of Burgesses protested against the "inhumanity of the slave-trade." When the American Colonies first concerted measures of resistance to the king, the sentiment among them was strong, that they who contend against human oppression ought not to be themselves the oppressors of others; and thus inspired, the early Congress of 1774 resolved to wholly discontinue the slave-trade. But patriotism breaks into its brightest flame where the fuel is fresh; and as the tedious war went on, North and South showed more diversity of sentiment in a supposed diversity of interests. It was ominous that by 1776, rather than irritate men who if humored were ready to commit the colonies they represented to the cause of independence, a clause in the draft of the immortal instrument, which would have denounced the king's sanction of slave importation as the waging of "cruel war against human nature itself," was stricken out. While the Revolution lasted slave-traders found, doubtless, little occasion to offend; but the crowning opportunity for making their vocation infamous was deliberately cast aside.[1]

[1] See 1 Bancroft, c. 5; 3 Ib. p. 407; 7 Ib. p. 147; 8 Ib. p. 321; 9 Ib. p. 468; 10 Ib. p. 291; also c. 46, cent. ed. The first shipment of negro slaves was landed in the United States August, 1620, by a Dutch man-of-war in the James River.

Emancipation was a problem for the several States to consider, each for herself; and to these, as sovereigns, Congress left the decision. But legislatures hesitated to take the final step, even while the pulse of independence beat highest. A proposal that blacks should be enlisted as Continental soldiers met with only moderate favor; enough, however, to aid the cause of emancipation in Rhode Island. The South Carolina and Georgia delegates to Congress opposed the advice of their brethren in this respect. It is little to the honor of Great Britain that after having sown the dragon's teeth herself, she should now try to foster an insurrection; but this Dunmore, a royal governor, attempted in Virginia. The result was a disappointment: neither would the lazy and sluggish slave lift his hand in violence against his master nor the master sue the king for mercy. These efforts were soon abandoned, and the royal commanders at length confined their annoyance of rebellious subjects to carrying negroes away as plunder. Many blacks who took refuge under the British flag were afterwards sold in the West Indies.[1]

Slavery at the close of the Revolution had a legal footing in all of the States but one. Nor was the day beyond the memory of men living when that one shared in the general disgrace; for Boston's cradle of liberty was the gift of one whose means had been aided by unrequited labor. But the first public oration uttered within its walls did not commemorate Peter Faneuil's virtues without paying a tribute of loyalty to the king he served;[2] and since times change, the commonwealth which presses onward in the right direction can afford to forget its past. Massachusetts now enjoyed the proud distinction of the only State in the whole confederacy where all men were free and equal before the law. The sister States of New England were, however, preparing to follow her example, and Connecticut passed her freedom act in 1784. Pennsylvania had taken the decisive step of emancipation as early as 1780. But

[1] 3 Hildreth's United States, 305, 355; 8 Bancroft, 223.
[2] Drake's Landmarks of Boston.

while Massachusetts shook off slavery by a single effort, all of these made local emancipation gradual. As yet no other members of the confederacy appear to have gone farther than to prohibit the future introduction of slaves, though every State constitution avoided giving to the establishment of local slavery anything like an express sanction. A problem found comparatively easy where those held to bondage performed little beside menial service, must have been immensely difficult for communities to solve, whose whole capital was employed in raising crops to which negro labor appeared indispensable.[1]

The two leading States of the American confederacy in population and force of ideas were, without question, the two oldest,— Virginia and Massachusetts. Situated so far apart, and with co-ordinate rather than conflicting material interests, they came together without a serious thought of rivalry. These were the Sparta and Athens of our Revolution; uniting their forces against the common enemy, however, far more generously than had ever those quarrelsome republics. But for their prompt alliance in the first measures of colonial resistance, American independence and union would have been impossible; there might have emerged from the battle smoke a New England Phœnix, perhaps several leagues, but never a Continental confederacy. There is no such picture of unselfish accord in the world's annals as that of Virginia and Massachusetts in 1775. The fires they kindled at the extremes of the king's dominions caused the feebler flames to leap high at the centre. Massachusetts had her Otis, Virginia her Patrick Henry — twin apostles of freedom; the theme of whose eloquence outlives in tradition those winged words which refused to be penned. Hancock and the Adamses concerted plans with Lee and Jefferson on the floor of Congress. One State gave to the patriot army a leader born to conquer, the other kept the ranks recruited. Both were drained heavily for the cost of the war, but both remained steadfast

[1] 3 Hildreth, 390; 9 Bancroft, 468; 10 Ib. c. 17.

to the American cause and to one another. When Boston port was closed Virginia hastened with relief, and Massachusetts repaid the debt in kind at the siege of Yorktown. The soil of the one State drank the first blood of the Revolution, and that of the other the last.

And yet how different the social conditions of these two commonwealths. In Massachusetts appeared the fullest type of the New Englander, or "Yankee," already far-renowned as sharp, clever, tenacious, energetic, and of an encroaching disposition. Here flourished a republic founded in equal rights, the most successful experiment of the kind then known. The legislature or General Court of Massachusetts was an aggregate of towns acting through town representatives in one branch, and of counties acting through county representatives in the other. Counties consisted of towns in groups. To this town system it was largely owing that the political machinery ran so smoothly. Town meetings, the unit of self-government, brought men together for a primary education in affairs, and the neighborly association of citizens gave a powerful impulse to public spirit. Boston was the abode of commerce and refinement, the capital and chief town of the State and of New England. And yet no municipality, not Boston herself, was so populous and cumbersome that the public operations which most concerned him might elude the keen eye of the private taxpayer. Wealth was not monopolized, but nearly all toiled for a living. Land was closely subdivided; there were many freeholders, but few patroons. Climate and soil alike favored energy of character, while each inhabitant found a great diversity of pursuits to choose from. Public schools had long flourished. Religious discipline was universally strict. Though family attachments were strong, and every town boasted familiar surnames, aristocracy had no deep root; and with the dispersion of that set which had held colonial office under the king, former class pretensions were much loosened. Yet modern Massachusetts partook in some degree of that austere, fanatical spirit which so distinguished the Puritan progenitor, who was a stubborn believer in visions and special providences, and

claimed the Lord for his side, whoever might be raised up for his own enemy. The homogeneousness of a population drawn largely from rural England fostered such a spirit. As one who judged his neighbor harshly, rarely groped among twilight uncertainties, and insisted upon devout observances so strongly as to err, when he erred at all, in the direction of a rigid self-righteousness, the New Englander appeared to many a scarcely less desirable friend than foe. He made a grand rebel, but an indifferent manager of other people. There appeared, indeed, about primitive New England a strange variety of breadth and narrowness, like some swift river working through rocky gorges. This betokened a strong character wrestling with imperfect opportunities; disputatious, because set to energize upon the concerns of a comparatively petty existence; a narrow interpreter of writings, because he reverenced ink and parchment, and believed a blessing wrested from them would endure; saving, often niggardly in his economies, because, with stony soil and rude weather, it was not easy to make a living. But the New Englander had backbone, audacity, habits of industry, and a conscientious disposition. Experience and travel would widen his vision; increasing wealth fostered a more generous sentiment. Under slight reservations Massachusetts was liberalized New England; Boston was liberalized Massachusetts; and liberalized Boston carried the heaviest brain in America.

Virginia had very different advantages to boast of. Notwithstanding the liberal politics of her most enlightened sons, her institutions were at this time essentially aristocratic. This was owing partly to the circumstances under which the State had been colonized, partly to the enervating climate and spontaneous fertility of the land, which tempted those who could afford it to leave work to others and take their ease, and partly, of course, to the long continuance of slavery as part of the agricultural and social system. Virginia was colonized by gentlemen, and often helpless ones at that; blood and pedigree always ruled in her affairs; the religious establishment was still the Church of England; entails and family settlements prevailed as in

the mother country, and of her many illustrious sons few were born poor, and not one was of mean extraction. Tobacco was the great staple of a State given over to agriculture, whose great mineral resources had been but slightly developed, and whose manufactures and commerce were always insignificant. So few were the skilled mechanics in this populous State at the present period that a rich planter, who could make lavish display of costly imported furniture, plate, and linen, lodged not uncommonly in a rickety house, with smoky chimneys, broken window-panes, and doors which the ever-welcome guest had to claw open.

There was a dash of chivalry, frankness, and generosity about the true-blooded Virginian which made his leadership irresistible. And what more prolific mother of a nobility was there in the eighteenth century than the Old Dominion? Her Randolphs, Masons, Lees, Pendletons, and Wythes were of marked ability; men of progress. Henry, as a popular orator, had no superior, and scarcely an equal. A younger set, of whom Jefferson was the idol, were the boldest experimenters in America of the republican idea, applying themselves as earnestly to State as Continental problems. But here were no immortal Putnams, Shermans, or Reveres; though Jefferson, on his father's side, belonged to a family of modest pretensions, allied by marriage with the colonial aristocracy.

The poor white of Virginia was not an interesting personage. Thrifty Scotch and other local traders would make up a little community of their own, taking slight part in American politics. But the humbler native, leading a vagabond life and subsisting miserably, accepted the lower state to which he was born with little ambition to improve it. If a mechanic, his skill rarely went beyond patching a shoe or stopping a leaky roof; as a farmer, he left his corn and tobacco to scratch their way upward through the ill-dressed ground while he sauntered idly about with his gun like a scarecrow in motion. He was, however, good-natured, generous according to his means, and as hospitable in a poor way as the best gentleman he patterned after, ready to give up with his wife the only bed in the house to

any decent traveller who asked a night's shelter. He was fond of his State and its great men, and loyal to some one of the blood families who contended for the honor of pocketing the borough in which he voted. He liked political excitement; eloquence, of which Virginians had a copious supply, made his wild eyes glisten, and when his own candidate gave a sharp thrust, he slapped his long shanks and showed his yellow teeth from ear to ear. He, like his superiors, had a turn for dissipation and low sports. Cock-fights, to which, indeed, the political hustings bore no slight resemblance, were a favorite amusement. A true Virginian would go miles to see a handsome horse show his points; and it was not strange if he returned home from a race-course with one pocket depleted at a gaming-table and his head the worse for the contents of the flask of native whiskey or peach brandy which he bore in the other. But, drunk or sober, he was sensitive of his honor, which he would maintain, if need be, at the pace of a pistol's shot.

Such was the type more particularly of the eastern and more populous district of Virginia. The mountain range which subdivided the State influenced a variation among highland and lowland settlers in pursuits and social traits. But Virginia character had always the same bold lines; its best development was invariably in the patrician or semi-patrician rank, whose vices, as often happens under like conditions, the plebeians would copy more faithfully than their virtues. The Virginia gentleman was a born politician, like most Southern planters of large means. He commonly received a good education; and yet, wedded little to books, and growing up in an out-of-door atmosphere, he led not so much from force of scholarly attainments, as from his capacity for profound convictions, his tact and his sympathetic acquaintance with human nature. He did not domineer so offensively nor lose his temper so readily as his brethren of a lower latitude. He was manly and wholesome; no grinding routine narrowed his experience of life; he was no truckler or dissembler, neither sordid nor corrupt.

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was ruled by patroons and select families. Of Pennsylvania, Burke had observed in 1761, that foreigners were still left foreigners, and were likely to continue so for many generations; "in short," as he adds, "the diversity of people, religions, nations, and languages here is prodigious."[1] Necessarily discordant in political ideas, and with a large element in their midst wholly disaffected, it was not strange that these two middle States were not easily pinioned to the patriot cause. A soil long overrun, too, as theirs was, by hostile armies advancing and retreating in turn, is always likely to yield accommodating principles. Besides the money-making Dutchman, whom they disliked, our veteran soldiers found the British Tory strong in this section, especially at the commercial centres. Certainly the soul of the American struggle must have been elsewhere when the British could occupy the cities of Philadelphia and New York so long without seriously diverting the fortunes of war. But each of the States of this section had been kept true to the cause of American independence by a devoted band led on by such choice spirits as Clinton, Schuyler, Jay, and young Hamilton in New York, and, in Pennsylvania, by Morris, the financier, and above all, by Franklin, the most useful civilian of his times in all America, and the subject whose defection had disconcerted his king more than that of any other colonist.

Let us inquire what progress our people had made by 1783 in the direction of a federal union. It is a notable fact that central power in America was first assumed by a sort of usurping assembly; or rather by a body of men who, without waiting for a formal delegation of authority from the several Colonies they represented, did what on the whole the country appeared to need and a sudden emergency hastened. But whence this Congress? During the French and Indian wars general conferences had taken place, attended more or less largely by delegates of differ-

[1] 9 Burke's Works, Boston ed., p. 345; John William Wallace, Penn. Hist. Soc. Discourse, 1872.

ent Colonies. The Stamp Act assembly, sometimes styled a Congress, was plainly a body of representatives, gathered from nine of the thirteen Colonies, without royal permission, for a specific purpose. The idea of common consultation by delegates ripened gradually. But not until 1774 did that which became a permanent American Congress first assemble; and this assembly, which began as a meeting of delegates called from all the Colonies for public consultation, was in fact the fruit of a secret correspondence over the king's hostile measures. The meeting instead of dissolving, adjourned, and before it reassembled came the first crisis in affairs. Thus originated that remarkable representative body known as the Continental Congress, which, with its periodical sessions and frequent changes of membership — for each State chose its own delegates annually — bore for nearly fifteen years the symbols of Federal power in America; which, as a single house of deputies acting by Colonies or States, and blending with legislative authority imperfect executive and judicial functions, raised armies, laid taxes, contracted a common debt, negotiated foreign treaties, made war and peace; which, in the name and with the assumed warrant of the thirteen Colonies, declared their independence of Great Britain, and by God's blessing accomplished it; which, having framed and promulgated a plan of general confederation, persuaded these same thirteen republics to adopt it, each making a sacrifice of its sovereignty for the sake of establishing a perpetual league, to be known as the United States of America, — a league preserved until in the fulness of time came a more perfect union. For all this, its only real credentials of authority during the most critical period of the Revolution were: (1.) A pressing exigency, by most believed to be only temporary, which first brought together at Philadelphia delegates whose several Colonies had vaguely pledged the public support to their action; new sessions of this body and a new choice of delegates succeeding annually. (2.) The speedy drift of events by 1775, more especially in Massachusetts, to bloodshed and revolution. (3.) Absolute control of the patriot army

Oct. 1765.

from 1775 onward; a responsibility which this Congress never abused. (4.) The general submission of colonists to its measures, prompted by patriotic sentiment and a sense of common danger. The Continental Congress reached the pinnacle of greatness when, in 1776, it declared allegiance with Great Britain utterly dissolved. The grinding cares of the war exhausted it; peace, we shall see, soon brought it to the ground. Once an object of dread to State sovereignty, it perished in contempt; but from its smouldering embers sprang the new Phœnix of threefold authority, which sees as yet no decay.

We are to regard the Declaration of Independence as the *Magna Charta* of this New World. Yet it is not from this instrument that the American Union derives its being. In declaring a dissolution of their political connection with Great Britain the several Colonies theoretically resolved themselves into free and independent States. But union was well understood to accompany independence so as to make it secure; and the preparation of some suitable plan of confederation had been one of the subjects for reference in the famous Lee resolves. Yet men who have resolved to unite divide when it comes to arranging the actual details of union. Articles of Confederation were reported from the committee July 12th, 1776; but Congress withheld its sanction till near the close of 1777, when in an amended form the plan went to the States for their separate adoption. As these Articles could not take effect until all of the thirteen had ratified, and something appeared in the plan obnoxious to each one, it is not strange that several more years were wasted in discussion. The United States of America had no existence as a government under a fundamental compact until the spring of 1781, by which time the success of the patriot arms was hardly doubtful. The Union, indeed, had its flag before a fundamental charter, and its army a commander before a flag.[1]

[1] The thirteen stripes of alternate red and white, typical of the confederate alliance, appeared in the flag Washington unfurled at Cambridge, but the British cross was in the union. Congress authorized a flag of the United States in 1777, with a union of thirteen stars in a blue field instead.

The first draft of the Declaration of Independence and the desk upon which it was composed are religiously preserved. We know how and by whom every joist and rafter was set into our later Constitution. But how the Articles of Confederation were prepared, few ask and none can positively answer; nor has any one claimed to be their author. Its draft, to be sure, was made out by Dickinson, who was prominent in the committee; but much of that committee work must have been cut to order.[1] As a framework of government this plan was no better than a makeshift; an effort to pare off slices of State sovereignty without diminishing the loaf; to circumscribe circumscription; to set centralism in motion with one hand and stop it with the other. That such a union could be, as the scheme professed, perpetual, was impossible.

Under these Articles, as independently of them, the sole functions of Federal authority vested in a Continental Congress, consisting of a single house of delegates, who voted by States, and were annually appointed in such manner as their respective States might direct, receiving their stipend from the State treasury. In such a legislature, which a split Senate of the present day might resemble, the American people found no direct representation. A president of Congress was designated, chiefly for ceremonial duties; while executive functions were administered to some extent by a Committee of States, empowered to sit during the recess. In ordinary course, seven out of thirteen States might thus have directed affairs; but in order to prevent this it was expressly forbidden the United States to engage in war, make treaties, coin money, borrow or appropriate, assign quotas, or even appoint a commander-in-chief of the army, except upon the assent of nine States. This provision, framed in the interest of a minority, might seem like taking the crutches from a lame man.

The general authority thus conferred upon the United States embraced the concerns of peace and war, foreign intercourse, inclusive of the power to make treaties, the

[1] Madison's Debates, introd.; 9 Bancroft, 47–55.

regulation of coins, weights and measures, Indian affairs, and the general postoffice.

Congress, responsible for the common debt already incurred, might borrow money and emit bills of credit. Extradition and mutual intercourse to much the same extent as under the ancient New England confederacy were benefits promised the several States by this plan of union. And with the general powers conferred upon Congress they were forbidden to interfere; while at the same time these Articles emphatically reserved to the several States all powers not expressly delegated.

In such a scheme of Federal union might be pointed out several fatal defects. (1.) The want of sanction, or some compulsory means of enforcing obedience. This charter provided neither executive nor judiciary worth mentioning, and no means whatever of securing the steady operation of the provisions which were most vital to the general welfare. A single member of the confederacy might defy or disregard a constitutional decree of Congress; in which case there was no resort, should persuasion prove futile, but to draw the sword and proclaim civil war. That it might by mere negligence fail to supply its quota of men or money was a necessary and a mischievous consequence. In theory each State would with alacrity fulfil its solemn obligation, else, to punish its stubbornness, all the others would rally to the side of Congress. But in practice, as will presently be shown, the example of State disobedience became contagious, and led rather to a general dereliction of duty instead. (2.) Operation of the fundamental law, in general, not upon citizens and individuals, but upon States or people in the mass. (3.) The large vote requisite in Congress for the passage of all important general measures. Five States could thus lawfully obstruct legislation essential to the interests of the Union, in utter contempt of the wishes of the other eight and of a manifest public necessity. (4.) The absence of a right to regulate foreign commerce and make duties uniform, as well as to collect those duties. (5.) A virtual omission of all power to alter or amend existing Articles. The power to alter is the safety-

valve of every political constitution; since law only scoops the channel for advancing society to run in. Alteration was possible, as these Articles read, if the proposed amendment should be first agreed to in Congress, and afterwards confirmed by the legislature of every State. But if, as might likely happen, the interests of a single commonwealth stood in the way of the general change, how was amendment possible? Feeble as was the present league, could two-thirds or even twelve-thirteenths of the States have given validity to one or two new articles, the Convention of 1787 would never have met which framed a new Constitution. Nothing saved America from utter perdition, under the so-called perpetual league, but a *coup de main*. Happily the revolution which superseded the old Articles had the popular sanction and was bloodless; it is to the lasting glory of our people that this alternative was fairly forced upon them before they accepted it.

While these Articles of Confederation were pending, and even earlier, a strong division of sentiment became manifest between the large and small States. Populous and wealthy colonies by comparison, like Massachusetts, Pennsylvania, and Virginia, might well have shrunk from an alliance, on terms which sunk them to the same level of representation as Delaware, Georgia, and Rhode Island. History shows, nevertheless, that in a controversy begun before Bunker's Hill was fought, it was the larger States that courted, while the smaller ones were coy. Representation on a popular basis the small States refused from the first to permit; their sister commonwealths, they said, would be influential enough in the general council without it; all were fighting for existence, and what would independence of the king avail themselves if they were to forsake one tyranny for another? Thus was gained one concession from the large States. Another, but of positive and permanent advantage to the Union, Maryland procured, namely: a relinquishment for the common benefit of all State claims to Western territory. Maryland refused to accede to the proposed confederacy until this by 1781 was accomplished.

This era of Federal construction was likewise an era of local reconstruction. Each Colony, acting upon the monition of Congress, had in 1776 adapted itself to the new condition of free and independent States. Colonial charters suggested the idea of a written constitution; and indeed for many years longer Rhode Island and Connecticut continued each to use the royal document as the sole fundamental law. Some State constitutions, hastily prepared, proved very faulty; but that of Massachusetts, the best matured of them, has, with occasional amendment, served the State more than a full century. All were republican in form, but none strictly democratic. In fairly separating the executive, legislative, and judicial departments, and erecting a legislature which consisted of two houses,[1] these local constitutions set a pattern in various respects which the United States was yet to follow. Human equality and the government by common consent they generally recognized in express terms. So engrossing had become this work during the last years of the war as to provoke complaint that the men who ought to be saving America were at home serving their own States.

War with the mother country was now at an end. Active hostilities had ceased in 1781 with the surrender of Cornwallis at Yorktown. Assured of a final adjustment at Paris, which would secure America's independence, Congress proclaimed peace early in April, 1783, and on the eighth anniversary of the Lexington bloodshed Washington's general orders announced the joyful news to the patriot army. The final treaty was signed in September. Before the close of that year our disbanded forces had dispersed to their several homes; furnishing to the world the strange spectacle of a standing army sinking like raindrops to refresh instead of devastating its native soil.

1783.
April 19.
Sept. 3.

[1] Only the constitutions of Pennsylvania and Georgia provided a legislature consisting of a single house; a plan which proved futile in experience, but which Vermont tried later.

Washington, bidding farewell to his brave comrades, broke up his encampment at Newburg, on the Hudson, and started homeward. The British evacuation of the town of New York occupied his attention several days. At a tavern near Whitehall Ferry he took an affectionate leave of his principal officers, pledging them in a glass of wine, and grasping each silently by the hand. His progress through New Jersey, Pennsylvania, and Maryland was hailed with enthusiasm. His last public act was to make formal resignation of his commission as commander-in-chief; Congress at this time holding its sessions in Annapolis. President Mifflin, in the presence of the assembled delegates and a large body of spectators, voiced the heart of the people in a well-chosen speech on receiving the parchment into his hands. "You retire from the theatre of action," said he, "with the blessings of your fellow-citizens; but the glory of your virtues will not terminate with your military command; it will continue to animate remotest ages."[1]

Nov.

Dec. 23.

Before their final separation the officers of the American army had organized a brotherhood, styled, from their familiar Roman exemplar, "The Cincinnati." The avowed objects of this order were to promote and cherish national honor and union, but more particularly to keep the war memories green and afford mutual succor. Washington was unanimously chosen president of the order. The ensign selected was a golden American eagle with emblematic devices, to be suspended by a deep-blue ribbon edged with white. There were proposed State societies to meet each fourth of July, and a general society to hold annual meetings in May. In times not remote from the "Sons of Liberty," a secret organization so extensive might fairly be suspected of political, if not warlike proclivities, and certainly the Cincinnati speedily became an object of popular distrust. What chiefly offended the general public, however, was a birthright succession in favor of each oldest male descendant of an officer, supplemented by a provision for conferring a limited mem-

[1] 4 Irving's Washington; 2 Holmes's Annals.

bership upon citizens of talent and patriotism in the respective States. It was charged that the founders intended to create a privileged and hereditary class in America, a new order of knighthood. "Melt down your eagles," was the cry. Whether because of this violent assault to which the order partially succumbed or the really harmless designs of its founders, the Cincinnati exerted but a moderate public influence, which declined with years, as must every society formed to perpetuate the memories of a war.

With the loss of that cohesive principle which a common danger supplied them, the United States now began to drop asunder. Even before the scheme of confederation had been fully realized, keen-eyed citizens pointed out some of its radical defects. To a lack of adequate authority in the central government, Washington in 1781 ascribed unhesitatingly the prolongation of the war with the war expenses, and more than half of his own perplexities. Greene, his second in command, who died all too soon to become a leader in peace, confirmed this same opinion. States had not ceased to assert sovereignty while the red-coats were taking it from them, nor to embarrass the movements of those who sped with military relief. Congress had to sugar over every requisition for men and measures; and the American commander found himself obliged to submit its authenticated orders for a provincial legislature to execute. When Federal authority would have taken forcible measures to disarm the New York Tories, local authority compelled it to desist. The extension of extraordinary powers to Washington on a marked occasion had to be accompanied by an apology to the States. Recruitment and discipline suffered constantly from a discrimination among the troops which the confederacy could not prevent; for, since their pay and emoluments depended largely upon the generosity of the several States, one regiment was stinted, while another would receive large bounties.

During the last three years of the war the Union was constantly struggling to maintain the army and, at the same time, save a sinking public credit. The Continental finances

were in a deplorable condition, while States, seeking separate loans abroad, and themselves harassed with debts of their own creation, fell in arrears, so far as concerned the requisitions of Congress for money and troops, in violation of their own solemn compact. By 1781 the Continental currency had ceased to circulate, and the springs of Continental credit were fast drying up. But for the French alliance and timely loans procured by agents in Europe, the American cause would have grown desperate; for we were become like a sick man fed upon stimulants. Our troops had been patient; but when Congress, in dire distress, failed to make good its promise of pay and allowances, discontent would have ripened into an open mutiny had it not been for Washington's prompt and discreet action.

A single instance serves to illustrate the pitiful depth to which Federal authority had sunk in the course of the war. June 30. During the summer of 1783 Congress held its session at Philadelphia, when some eighty deserters from the camp at Lancaster, led by recreant sergeants, came straggling into town, demanding their pay, and threatening to seize the persons of Continental delegates and break into the bank which held the Federal deposits. Permitted by the local authorities to roam at large, they gathered about the building in which Congress was assembled, and disturbed its proceedings with ribaldry and drunken insolence, some of them pointing their muskets at the windows. Forming in two lines at the door when that body adjourned, they next made the members pass the gauntlet of their menacing insult. Congress had promptly asked the State executive for protection, forewarned of danger. But so timid was the response, as though the State could not lawfully interpose unless the rioters proceeded to open violence, and so lukewarm appeared the townspeople, that Congress retreated hastily across the Delaware River into New Jersey. Thus did a handful of mutineers, without a commissioned officer to direct them, force the removal of our Federal capital from Philadelphia to Princeton.[1]

[1] 3 Madison's Works; 2 Holmes's Annals; 3 Hildreth's United States.

Now that revolution had become an accomplished fact, three prime causes conspired in peace to send the confederacy headlong: the cessation of a common animating purpose, the need felt by each State of recuperating its own exhausted energies, and certain general disorders engendered of the revolution itself. The disorganizing forces of a civil war are long felt before society can knit together again. Americans, cast adrift from the old moorings, wandered in a strange fog. To habits of thrift and economy had succeeded a spirit of speculation. There were upstarts in every State, enriched by privateering and army contracts, while old families were ruined. Tories had fled, and their estates were confiscated. It was an era of paper money, inflated values, and delusion.

His own State, not the Federal Union, was the Hercules our distressed citizen invoked at such a time to put a shoulder to the wheel. Was not the regulation of commerce a reserved right of the States not less than that of agriculture or manufactures? What rivalries, what clash of local interests, what collisions of authority, must there not have been, while the whole tide-water from the Bay of Fundy to St. Mary's River was cut up and parcelled out among thirteen rival sovereignties, each with its own revenue laws and means of collection. Did one State fix a high tariff, her neighbor would invite free trade. The commercial States obstructed the uncommercial; and New Jersey, lying between two such great ports as New York and Philadelphia, was likened to a cask tapped at both ends.

Without authority to regulate commerce, Congress found the treaty-making power which had been conferred upon it of little practical avail. Discrimination between friend and foe in the grant of commercial privileges abroad was attempted in vain. On the principle of reciprocity the United States treated with France, Sweden, the Netherlands, and Prussia, all of which nations had sympathized with our cause; and though gaining little received their friendly assurances. But surly England, giving nothing and offering nothing, pushed in greedily to regain all she could without a treaty. No sooner was peace declared than British manu-

factured goods began pouring into the country; British agencies, moreover, were promptly established at the chief centres of trade. And while our recent enemy played off the rivalries of her late colonies for her own advantage, secretly hoping they would soon drop apart, she shut the door upon their former lucrative trade with the West Indies. Our minister at London, John Adams, was treated with cold affront, and no British ambassador was sent in return. When American commissioners sought to negotiate a commercial treaty with Great Britain, they were asked contemptuously and yet with pertinence whether they brought credentials from Congress alone or from the separate States besides. Even French diplomacy, which comprehended our difficulties, thought it better to leave French intercourse as it stood, trusting future changes to reciprocal legislation.

Our financial condition, too, was gloomy. When the accounts of the war were cast up, an immense war debt due from the United States confederacy appeared, some of whose certificates were held abroad, but by far the larger part by its own citizens. To fund that debt was at present impossible; yet could only the interest be regularly met, creditors would not be clamorous. The payment of this interest and the maintenance of a moderate peace establishment reduced the money necessities of the Union to a minimum. To meet such an annual outlay what were the resources at command? Not impost, excise, or the assessment of a direct tax upon the people; nothing but periodical requisitions made upon sovereign States for their proportional contribution. Congress was to make its demand, and each State was solemnly bound, under the Articles of Confederation, to supply the money, levying and collecting at pleasure within its own jurisdiction. But what if a State refused or neglected to honor the requisition; had Congress a remedy? None whatever, unless perchance to coerce the delinquent State; and this meant civil war and a bloody dissolution. There could be no judicial enforcement of the compact; not a private individual could be seized, nor his property attached because of his State's default. What then was the experience of the United States under this system of State requisi-

tions? Congress from 1782 to 1786 made calls amounting in the aggregate to more than $6,000,000, of which sum only $1,000,000 had been paid into the Federal treasury at the close of March, 1787. To meet the interest on our foreign debt temporary loans had to be negotiated abroad at exorbitant rates; our people, it was said, were becoming a prey to every robber, pirate, and cheat in Europe.[1] As concerned our domestic creditors, who might be put off with less peril, interest went altogether unpaid. Federal securities changed hands at less than half their face value, rating sometimes as low as fifteen per cent.; Congress meantime exhausting persuasion upon the delinquent Federal members. As each State was harassed with its own war debts, it cannot be thought strange that under the circumstances State credit received the first thought. The delinquency of one State was set up, moreover, to justify the delinquency of another. The instinct of self-preservation made each community selfish.

Such was the central rule of exhortation, the arch whose keystone was an unenforceable promise. Solemnly bound to perform functions indispensable to the general welfare, dragged down by obligations sacredly contracted on behalf of the whole people, who could relieve a perishing Union of this body of death? Congress kept the vessel from sinking; but it was "by standing constantly at the pump, not by stopping the leaks."[2]

This downward course of things in America arrested the attention of thoughtful citizens. It was quickly perceived that unless Congress could procure two things, authority to regulate foreign commerce and power to collect a Federal revenue, the situation was desperate. To accomplish these objects peaceably, one of two courses was indispensable: either to procure an amendment to the Articles by unanimous consent of the States, or else, recurring to first principles, to call upon the people of the United States to

[1] 8 John Adams's Works, 400.
[2] 2 Rives's Madison, 41.

assemble in convention and take national reconstruction into their own hands. The idea of a convention was not new when peace was declared; for it was put forth as early as 1780, at a meeting of the Eastern States, with New York, which had convened to consider military embarrassments; in a pamphlet written by an anonymous person, and published in 1781;[1] by the press of Philadelphia repeatedly; and again and again during these same years in the correspondence of our great leaders, civil and military. To call a convention of the States and give to Congress something more than recommendatory powers was the advice at that early date of Washington, Greene, Rutledge, and others in their correspondence. But drastics so violent were only for the last stage of disease; hence the first experiment of procuring an amendment. Congress in 1781 proposed to the States a new article, empowering it to levy for the use of the United States a five per cent. duty on imports; the money so raised to go towards discharging the Revolutionary debt, and the power to cease when that debt was discharged. To this amendment Rhode Island refused her assent, and that of Virginia, once given, was afterwards withdrawn.[2]

1781.

Two young men now appear upon the scene, whose six years of united labor accomplished more for establishing our present constitutional union than did the work of any other ten Americans, Washington, perhaps, excepted, in whom both confided, and whose prodigious personal influence was discreetly used to promote their ends. These were Alexander Hamilton, of New York, and James Madison, of Virginia; each representing a powerful State averse to Federal aggrandizement, which must nevertheless be won over; and both at the threshold of a great national career.

The younger, and undoubtedly the more brilliant of the two, was Hamilton, a man of slight figure but strongly im-

[1] In Madison's Writings, 117, the writer's name is given as Pelatiah Webster. But Mr. Bancroft ascribes the authorship to William Barton. 6 Bancroft, final ed., 20.

[2] Madison's Introd. to Federal Debates; 1 Madison's Writings, 118; 6 Bancroft, final ed., 5–203.

pressive presence, erect in bearing, singularly self-possessed, having the air of a Cæsar. His face was a handsome one, such as dangerously captivates ladies, and beamed with intelligence; he had an eye piercing and expressive, a firm-set mouth which betokened promptness and decision of character, an open and fearless countenance. His was one of those rare minds whence leap ideas clad in full armor. He would not only unfold a plan of his own so as to present the strongest arguments for its adoption, but anticipate every objection and counterplan which others would be likely to urge against it. His talent as an administrator was remarkable; neither principle nor detail escaped him; he conceived and executed with equal facility. This mind of marvellous fertility, this self-confidence which inspired by its audacity, were the endowments of a youth as yet scarcely turned of twenty-five. Not strangely did contemporaries pronounce him a genius. But though a prodigy, the idol of aristocratic circles in New York, and a recognized leader of the American bar, Hamilton was weighted in the race for public honors as precocious men are apt to be, by his own excess of confidence, his impetuosity, and the disposition to force rather than inculcate the measures upon which he had once set his heart. He had not great tact, but set his foot contemptuously to work the treadles of slower minds. Hence he devised better than he could bring to pass, and, wounding the pride of rivals whose co-operation must have been indispensable to success, he got unhorsed when he should have been spurring on. His political following was always strong, but he suffered that of his opponents to become stronger, which proved his own bad generalship as an American statesman.

But more than this, Hamilton was not a stanch believer in republics or the American experiment. He was not American, but a Briton transplanted and fed upon Plutarch. An alien, of obscure parentage in the British West Indies, and a man of desultory training, he remained, except for the influences of those ancient heroes which influenced him all his life, British in temperament to the last, an adapter of British institutions and methods, like a tailor who fits dif-

ferent coats from the same pattern. Equality, social or political, he did not relish, though he was a friend of negro emancipation. Popular government, our latter-day rule of public opinion, he never could and never wished to comprehend. He wished "good men," as he termed them, to hold sway; meaning the wealthy, the well-born, the socially eminent, like those among whom he moved in his adopted city, and not necessarily the honest and able. No aristocrat is more confirmed than one admitted into the charmed circle, whose own kindred are at a convenient distance; and Hamilton's claim to social recognition no Whig could dispute after Washington had taken him into his military family, and Schuyler had given him a daughter in marriage. Self-reliance, self-confidence, with its usual attendant faults and virtues, sprang necessarily out of such a life; and the passion for fame had burned strongly in this boyish bosom before either a country or a cause could be discerned.[1] Hamilton had a high sense of honor, and certainly, an ambition which respected the verdict of history. His ideal of government was not, however, a high one; for he believed that mankind were to be managed and cajoled by some magnanimous ruler. Crude suggestions like these pervaded his best schemes of civil polity; confirming an impression which careless conversations might have confirmed, that Hamilton was at heart a despiser of commonplace happiness, a hero-worshipper, and theoretically at least a British monarchist. And indeed there was that about him which might perhaps have rendered him a dangerous man under European surroundings; for, besides rating his military above his own civil qualities, Hamilton displayed self-will, a certain capriciousness of temper, an unquenchable thirst for glory and distinction, and a tendency to the false illusions of fatalism and the romance of manifest destiny. But Hamilton's ambition was noble,

[1] See the letter, still extant, which Hamilton wrote in 1769, despising his "grovelling condition" as a clerk in Santa Cruz Island. "I would willingly risk my life," he declares, "though not my character, to exalt my station. I mean to prepare the way for futurity; we have seen such schemes successful when the projector was constant." 4 Bancroft, final ed., 111.

incapable at all events of mean intrigue for the sake of personal advancement; if ever fame's conqueror, he would have wished to be a generous one; and his dream of empire could only be fulfilled when the crisis demanded the man. That crisis never came; and for moving a world whose leverage was the average sense of the common people, one of such a temper could hope for little opportunity.

A far different man was Madison; six years Hamilton's senior, and yet a young leader for so crowded an hour. He, too, was of under-stature, and when starched up to his full dignity had not a little primness of aspect. His manners were reserved and shy, like one given to serious contemplation; the color of his cheeks came and went; strangers were impressed by him as by some plain gentleman farmer. But entering Congress young, Madison was not long in convincing colleagues of his real sterling qualities, prominent among which were industry, method, patience, soundness of judgment, calmness of temper, and unimpeachable integrity. His leadership was all the more readily conceded by elders, none of whom were his superiors, inasmuch as he was perceived to be a youth of singular modesty and discretion. Unlike Hamilton, Madison was a man of peace, whose sole ambition was directed to the pursuit of civil administration under popular American methods, and by convincing other minds. American-born, the scion of an influential family in the Old Dominion, educated at Princeton College,— the nursery, in that era, of American statesmen,— a man of independent means, he was a product thoroughly indigenous; and having lately joined the new school of aristo-democrats in his native State to become a disciple and favorite of Jefferson, it is not strange that he devoted his talents to public life, nor that so doing, he was on the high road to success. There was none of that personal magnetism in Madison, such as warmed men's hearts to Hamilton or Jefferson, but neither did he repel, and the respect of his opponents he rarely lost. He had remarkable aptitude for avoiding personal quarrels. As a debater, Madison moved others by his lucid, dispassionate, judicial style of reasoning, not by any fiery appeal. His espousal of reform was

directed, moreover, to plucking the fruit as it ripened; he seemed, indeed, an umpire at this era, rather than a party man; always feeling, to use his favorite expression, for some middle ground. Madison's deference strongly contrasted with Hamilton's vanity of authorship; for while the latter deferred little to counsel, and would have his propositions accepted whole, labelled with his name, his more prudent compeer, aiming most of all to carry his point, took the constant advice of those who wished to be consulted, and put others forward to introduce as their own measures, palliated if need be, what himself had prepared. Mediocrity which forbears will win more in politics than a genius which irritates; but Madison, though a statesman of inferior fibre to Hamilton, was far above the average of his times. The danger was, that a youth of such sobriety might effloresce into a tasteless and timid manhood.

1781–83. The complement of two such minds was most auspicious for the country. The cause in which they now heartily conjoined, as never in later years, was that of procuring for the United States a federal government whose powers should be commensurate with the needs of the country. Hamilton, too much of a wanderer to have grown up strongly attached to any particular State, inclined strongly to centralism, to an energetic government strongly administered. "It has ever been my opinion," he had written in 1781, "that Congress ought to have complete sovereignty in all but the mere municipal law of each State; and I wish to see a convention of all the States, with full power to amend finally and irrevocably the present futile and senseless confederation." His hand appears in a resolution of the New York legislature of 1782, which invited the States to a general conference with that object in view. Madison, on the other hand, a recognized leader in Congress by the time Hamilton arrived that same year, and the loyal delegate of a proud State which looked upon convention schemes with distrust, was working toward a like conclusion by a different process. Defects in the existing league, which Hamilton's quick intuition penetrated, Madison undertook to demonstrate by the sure test of induction. He

watched anxiously the current of events, and, pressing for the present only at the door of constitutional amendment, drafted a report of Congress, which proposed in March, 1781, that all the States should give the Union plenary power to compel any delinquent member of the confederacy to fulfil its Federal engagements, employing force by sea and land for that purpose. This was in the midst of war. Tentative and cautious by nature, and bearing, moreover, an important responsibility in the administration of affairs, Madison took care to commit himself in public only to what was presently feasible, or at least desirable.[1]

By the time that Hamilton took his seat, Congress then holding its sessions in Philadelphia, the 1782. failure of the proposed amendment for a five per cent. duty was certain. Hamilton and Madison joined in signing the Federal remonstrance against Rhode Island's rejection of the plan; Hamilton drafting the document. The 1783. next year a new proposition and a narrower one was submitted for the adoption of the States. Congress asked the power, not indefinitely, but for twenty-five years alone, to levy the desired import duty; and this not for discharging the principal of the Revolutionary debt, but only to meet the interest as it accrued. The plan was reported from a committee consisting of Hamilton, Madison, and Ellsworth of Connecticut. An address to the States, penned by Madison, accompanied this proposal, on whose unanimous acceptance hung, as it were by a hair, the fate of the whole confederacy. A political reaction in his own State, which brought the anti-conventionists into power, now deprived Hamilton of his seat, and Madison soon after absented himself from Congress for a brief interval.[2]

The idea of a convention had now sunk deeply 1783–85. into the popular mind; but until the fate of this modified revenue amendment was settled, no action could be expected in that direction. Massachusetts, after recommending, under the lead of her intrepid Bowdoin, that a

[1] 6 Bancroft, final ed., 19; 2 John C. Hamilton's United States; 1 Rives's Madison; Journals of Congress. [2] Ib.

general convention be called, retreated upon the advice of her delegates in Congress. New York, once favorable, now threatened the most stubborn resistance to every new encroachment upon State rights; for the rising commerce of her metropolis made her proud. And further to becloud the prospect, Madison, next in the Virginia legislature, found his ablest colleagues determined to prevent any general revision of the Articles.

The prominence of young Madison and Hamilton at this date was favored by a singular dearth of already famous leaders for the pregnant occasion. James Otis was dead. Patrick Henry's influence helped to swell State pride, and so did that of George Clinton. Hancock and Samuel Adams appeared lukewarm Unionists, better able to pull down than build up, and both were for the time in retirement. Jefferson and John Adams had diplomatic posts abroad. The aged Franklin, just returning from his famous mission at France to find himself elected chief executive of Pennsylvania under an ill-jointed constitution, had enough care in holding that distracted commonwealth together. Of all the patriots who had been foremost in the cause of independence only John Jay and Robert Morris remained in the home service, and the former at least in such routine employment as forbade his attempt to direct a popular movement. Washington himself, not unconscious of his surpassing influence, was too delicate and just a man to conduct a popular revolution whose most likely issue would be to place him at the head of affairs; and, keeping in reserve, he left others to guide, particularly his two young friends, with one of whom he was connected by neighborly ties, while the other he loved like an own son. In private correspondence he avowed himself in favor of liberal amendments; or, as a last resort, the convention.

Massachusetts and New York falling back, Virginia now took the lead in those practical measures which led to Federal reconstruction. But the famous Convention of 1787 was quite indirectly if not surreptitiously initiated. A meeting of Maryland and Virginia commissioners at Alexandria in the spring of 1785, for adjusting their mutual

rights in the Chesapeake and Potomac waters, was skilfully turned by Madison, one of their number, to procuring a new conference for the following year, which other States should be invited to attend, the primary object being to seek by the mutual concession of States such a uniform commercial system as might best promote their mutual interests.[1] Acting upon the advice of these commissioners, Maryland asked her neighbors, Delaware and Pennsylvania, to attend, while Virginia's legislature extended the invitation so as to embrace all of the States. This meeting was set for September 11th, 1786, at Annapolis.

Though in the growing desperation of affairs public sentiment in favor of a convention was constantly strengthening, the new conference was unlikely to achieve much in that respect. To Madison's chagrin, the Virginia legislature would not extend the call in such terms as to justify any general deliberation on the state of the Union. The friends of Continental reform concluded, therefore, to make this Annapolis meeting subservient to a second convention with full powers. To that attainment Madison, now an avowed conventionist, worked with great energy; though the attempt seemed discouraging. First, it was needful to bring delegates from all the States together; next, to procure their assent to a new scheme of union; and, finally, to persuade the separate States and Congress to accept their work. Among the many prominent men, both in and out of Congress, associated with him in giving the conference this direction, was Hamilton, whose efforts procured New York's sanction to the conference and his own appointment as a delegate. From the Middle States, generally, and New England, delegates were chosen; but south of Virginia no State took action. To complete these preparations for Annapolis Madison took a horseback journey in midsummer to New York, where Congress was in session.

But after all the pains taken, only twelve delegates

[1] In the course of this conference the commissioners made an excursion to Mount Vernon, and had an extended interview with Washington. But whether this had any historical significance, or was a mere visit of courtesy, is not known. See 1 Madison's Writings (1785).

able to an unequal distribution of wealth and excessive land taxation in Massachusetts, the sole seat of the outbreak. Governor Bowdoin and his party strove vigorously to reduce the State debt and to keep up the public credit at a period of great public depression. But this strained severely the farmers and citizens of moderate means in the inland towns. Private creditors pressed their debtors, while the State pressed all. Attachments were put upon the poor man's cattle and teams, and his little homestead was sacrificed under the sheriff's hammer. It was no sign of prosperity that the dockets of the county courts were crowded, and that lawyers and court officers put in the sickle. There was common complaint of the high salaries of public officials and the wasteful cost attending litigation.

One might suppose that a legislature annually chosen would soon remedy this state of things. But the inhabitants of the western counties took the short course of resisting civil process and openly defying the laws; and herein lay their error. Shays had rallied so large a force of malcontents about Worcester by the fall of 1786 that the sheriff and his deputies were powerless against them, and no court could be held.

Our most serious political outbreaks have thus far occurred, not so much at large centres of population, as in the sparse and rural districts. There the machinery is not so well regulated nor so compact for overawing the criminal and disorderly, resistance spreads over a larger surface, and men, honest of purpose, are found more impatient of discipline. This first success of the Massachusetts insurgents alarmed the friends of order throughout the Union. "What, gracious God, is man," exclaims Washington on hearing the news from the East, "that there should be such inconsistency and perfidiousness in his conduct! It was but the other day that we were shedding our blood to obtain the constitutions under which we now live,— constitutions of our own choice and making,— and now we are unsheathing the sword to overturn them."

Congress, by this time an adept in stealthy and diplomatic methods, offered secret aid to the authorities of Massachu-

setts upon a pretext of dispatching troops against the Indians. But the tender was not accepted; for in James Bowdoin the State had an executive equal to the emergency. Availing himself of a temporary loan from patriotic citizens, he raised and equipped a militia force, large enough to overawe the rebels; this force, under General Lincoln's command, was promptly marched against the foes of order. Shays appears to have had more of the demagogue than warrior about him, and his followers fled as the troops advanced. By midwinter civil order was restored; and the legislature made some concessions not less just than prudent. The vanquished rebels were treated with marked clemency. But Governor Bowdoin's energy lost him a re-election the following spring, and one of the manliest pioneers of Continental reform was remitted to private life for the rest of his days. To him succeeded the veteran Hancock, whose love of popular applause was a failing, though his merits were great.[1]

(2.) The failure of the proposed impost amendment was the next event to occupy the public mind during the momentous interval between the Annapolis conference and the time set for the Philadelphia convention. The proposition of 1783, of which we have spoken, placed the necessities of Congress before the States as modestly as possible, and hence was understood to be a last appeal on behalf of the confederate league as a practicable form of government. When, in 1786, Congress found that four States, Georgia, Maryland, Rhode Island, and New York, still withheld their sanction, the other nine having acquiesced in the change, a special address was sent out, declaring the accession of all the States to be "the sole means of preserving the sacred faith of the confederacy." Three of these dilatory States through their legislatures now took favorable action; but New York, clinging to the policy of selfish commerce under selfish regulations, still refused. When the new year opened, Governor Clinton convened his legis- 1787.

[1] Washington's Writings; 1 Madison's Writings; 3 Hildreth; 2 Rives's Madison; 2 J. C. Hamilton's Republic.

lature in the thriving city of New York, where likewise met our feeble body of Continental delegates, whose quorum of nine States could not be mustered until the middle of February. The impost amendment now came before the State legislature for final action, and, as had been anticipated, rejection was carried by a large majority. Only with reservations which made the grant nugatory would New York sanction such a change of the articles of Union. One State among the whole thirteen blocked, therefore, the wheels of the confederacy; but eventually, as we shall see, at a much greater sacrifice of commercial independence than she now refused to make; and it was manifest that a charter whose only means of amendment was by unanimous consent, could not be amended at all.

Feb. 15.

Congress had no choice left but to lend its good will to the Philadelphia convention. To this conclusion it was brought under the skilful management of Madison, again a delegate, with the aid of Hamilton, as an influential private citizen, six days after the adverse decision of the New York legislature.

Feb. 21.

But without waiting for this new direction of events, Virginia, true to her best antecedents, had led off the November previous in commending to her sister States the Annapolis action. This again Madison had been chiefly instrumental in accomplishing, being at that time in the State legislature; and he had made free use of an autograph letter from Washington, which expressed an earnest wish that "Virginia would take the lead in promoting the great and arduous work of reconstruction." When Virginia displayed the gilded roll of her delegation, and showed the patriot commander at the head of the list, the whole country thrilled with joy. New Jersey, Pennsylvania, North Carolina, and Delaware now fell in promptly; the Quaker State inscribing first on her standard that other immortal name, of the sage who, with equal facility, drew lightning from a scowling sky and from the angry breasts of his fellow-men. Other States which had held back, alleging constitutional scruples, were now reassured by the formal approval of Congress, and proceeded to appoint their delegates. Massachusetts wheeled

into line; nor was New York backward. Of the thirteen composing the American Confederacy Rhode Island alone refused to set herself in motion.

As spring advanced the eyes of the country turned to Philadelphia. "The nearer the crisis approaches," writes Madison, oppressed by the weight of his personal responsibility for the convention, "the more I tremble for the issue."[1]

Section II.

THE CONSTITUTIONAL CONVENTION.

May 14 — September 17, 1787.

The Philadelphia delegates gathered but tardily. It was not until May 25th that a bare quorum of seven States, assembling in the plain brick building whence America's first imperishable document issued, organized to prepare and promulgate its second.[2] For president of this convention Washington was the unanimous choice of the members; and that all pretence of rivalship for the first honors might be excluded, the nomination was made by Franklin's own request. Major William Jackson was chosen secretary.

Two of the standing rules adopted, which conformed to the practice of the Continental Congress, deserve notice. One gave to each State a single vote; thus rendering the action of the convention purely confederate, whatever readjustment of the Union it might compel. It was hence of secondary consequence that the total number of delegates in attendance was fifty-five, or that Pennsylvania had four times as many members as New Hampshire; for on the division of twelve States (Rhode Island being unrepresented) turned each important issue. The other rule declared the proceedings of the convention secret; a disadvantage so far as its deliberations were deprived of the buoyant support of

[1] Madison's Writings (1787). And see 3 Hildreth; 2 Rives's Madison; 2 J. C. Hamilton's Republic.

[2] See Westcott's Historic Mansions; and as to the proceedings of the Constitutional Convention in detail, see Elliot's Debates.

popular opinion; but doubtless a gain in facilitating the material sacrifices found necessary, in diminishing the friction of debate, and moreover for keeping public curiosity whetted until a definite plan could be matured, which was all the more likely to be accepted from the impossibility of procuring a substitute.

As the injunction of secrecy was never removed, and furthermore was faithfully observed, we shall never know precisely what was said and done in this important convention. The official journal, sealed up and deposited by Washington in the public archives, was found, when published by order of Congress many years after, quite brief and unsuggestive. A few hasty notes, taken by Judge Yates of the New York delegation, and Luther Martin's open letter to the legislature of Maryland,— both of these men being unfriendly to the plan,[1] and absentees for much of the time,— afford by themselves little testimony that is valuable. But Madison, forecasting the historical consequence of this momentous assemblage, undertook to report, though not verbatim, its entire proceedings; and being accurate and methodical, a notably impartial writer, and used to epitomizing, he was tacitly recognized as the official chronicler of the occasion; his fellow-speakers commonly revising his brief of their speeches. His ample notes, withheld from publication while it was proper, bear abundant marks of fairness as well as authenticity. Better or worse, they afford the only extended testimony available at all; and, strange to add, Madison survived all his colleagues, thus becoming the oracle of a convention he had done so much to gather and direct.

Of this august assembly a large proportion were safe men in council, over whom presided the chief American of the age. Here were Elbridge Gerry, of Massachusetts, Roger Sherman, of Connecticut, George Read, of Delaware, and Chancellor Wythe, of Virginia,— all of whom had put their names to the charter of independence. John Rutledge, of South Carolina, boasted a record of Continental service

[1] But Yates appears to have afterwards supported the Constitution.

which went back to the Stamp Act Congress. What crisis in American affairs for the past thirty years had lacked the safe pilotage of Benjamin Franklin, the sage of common-sense? Pennsylvania's full delegation, indeed, was a bright cluster, comprising the banker, Robert Morris, George Clymer, and James Wilson, all '76 worthies — the last a man of Scotch honor and sagacity, whose present prominence in debate gave hope of a brilliant political career, which was occulted by his retirement to the bench. Even the once potent Dickinson, who shrank from taking the plunge for independence but entered the current afterwards, figured in the Delaware delegation of this convention as a champion of the rights of the smaller States. Various States had taken pains to send to Philadelphia the older patriots, whose fame might be a watchword. Hamilton, Madison, Rufus King, of Massachusetts, Gouverneur Morris, of New York, and Charles Pinckney, of South Carolina, might be styled young aspirants for fame, whose later career did not disappoint; yet each one of these had already a Continental reputation. John Langdon, of New Hampshire, and Oliver Ellsworth, of Connecticut, were good examples of the moderation and sobriety which on the whole prevailed.

Men of tact and skill in affairs, rounded legislators, here, on the whole, predominated. Eighteen members of the convention belonged to the Continental Congress, — a promising circumstance as concerned the Federal approval of whatever plan the convention might agree to submit to the country. But it was the wealth, education, and conservatism of the States which on the whole seemed best represented. The convention was, in fact, the protest of liberty protected by law against liberty independent of it. And the convention work displayed alike the virtues and failings of such counsellors.

It is well known that the main business of this convention was opened by the submission of a series of propositions, fifteen in number, embodying a new scheme of central government, which Governor Edmund Randolph, of Virginia, offered on behalf of his delegation; that a running discussion of these propositions for two weeks in committee of

the whole, which elicited the first sense of the delegates, terminated with a report of the plan to the convention in a modified form; that in the course of the main debate which ensued on this modified plan, other delegates offered counter-projects, and, as occasion arose, grand committees were appointed for reconciling sectional differences of opinion, until at length a distinct plan of constitutional union was arranged; that this plan, referred to a committee of detail, and amended on their report in some important particulars, became shaped into the first draft of our Federal Constitution, which draft, receiving its polish and last arrangement at the hands of a final committee, was accepted by the convention and signed by the delegates in due form.

Manifestly, then (and the reported debates confirm this view), our precious charter must have been the product, not of one mind, but of many; the fruit of a laborious and minute discussion, and much compromise. The authorship of a few of its most vital phrases will never be clearly ascertained, though the general course of debate may be readily followed. But in the "Randolph plan," which the Virginia delegation — the first, with that of Pennsylvania, to assemble in force — prepared together, so as to take the expected initiative, we trace at least one busy hand.[1] The fundamental change of government this plan proposed was to supersede the confederacy by a national, or rather a federo-national union, derived from the people, and operating with adequate authority and by means of distinct executive, legislative, and judiciary departments, upon the people at large, instead of upon the several States as hitherto. That change finally prevailed, by the favor of six States, — Massachusetts, Pennsylvania, Virginia, the two Carolinas, and Georgia.

Directly opposed to this was the second or "New Jersey plan;" a counter-scheme of government offered at the second stage of discussion on behalf of those delegations who wished the Union to retain still its States' rights and confederate character. This plan conceded a separation of

[1] See 1 Madison's Writings, March and April, 1787.

departments; and yet, clothing Congress with the desired functions of raising the general revenue and regulating commerce, it left the States sovereign as before in most practical concerns; keeping the rule of representation unchanged, permitting the local authorities to enforce revenue and commercial measures in the first instance, withholding the adequate means of compelling submission to the Union, and reserving still to the States all powers not expressly delegated. This plan, which the delegations of smaller States contrived, in the interest they represented (for these States wished to keep their equal vote in the general council), receives its name from the circumstance that a New Jersey delegate, William Paterson, introduced it to the convention. To this the delegations of Connecticut, New Jersey, and Delaware, together with Luther Martin, of Maryland, and Hamilton's obstructive colleagues from New York were substantially committed. But with many who supported this second plan the crucial test was found in keeping small States co-equal in representation with the great ones. From the time when all doubt of an equal vote of small States in the Senate was settled, their zeal for granting powers to the general government could not be surpassed. Sherman and Ellsworth of Connecticut became strong pillars of the new constitution; and Paterson of New Jersey, it has been remarked, was a federalist of federalists for the rest of his life.[1]

Two more plans, presented by individuals on their sole responsibility, deserve mention. One prepared by Charles Pinckney, which was put forward at the same time with that of the Virginia delegation, had no doubt some influence, but to what extent is unknown; nor has a perfect copy been preserved.[2] The other was Hamilton's, deeply stamped

[1] 6 Bancroft, final ed., 269.

[2] That the sketch officially published years later as the "Pinckney plan" must have been inaccurate, see 3 Hildreth, 485, and a curious narrative in 2 Rives's Madison, 316, 353, note. Charles Pinckney is to be distinguished from his colleague in the convention, Charles C. Pinckney. In the Articles of Confederation, and in State constitutions, with their several bills of rights, were already embodied various pro-

with the idiosyncrasies of its inventor. This, apparently, was not seriously proposed for adoption, but rather offered as an ideal of his own by way of illustrating a striking speech, which he designed should sound the assembly as to first principles. Among its prominent features were a national legislature, composed of a Senate, representing property, to be chosen for life or good behavior, and a popular house; a life executive of almost autocratic powers, to be chosen by electors and yet liable to impeachment; and centralization of authority to a degree that must have reduced States to mere provinces or municipalities, by giving to the Union the appointment of their governors and the right to negative their legislative enactments. In the speech accompanying these startling propositions, which he had carefully prepared in the closet and delivered on fit opportunity after the New Jersey plan had been presented, Hamilton frankly avowed his conviction that mankind were vicious, except a few choice spirits, and should be ruled upon that theory; that the ideal monarch was one hereditary, clothed with so much power that he would not be interested in seeking more; and that the influence of men's ambitions ought to be employed so as to make a government secure. He admired such barriers as that of the British House of Lords, and praised the British constitution as the best form of a government — as one which we could not attain, but which supplied the model to which we should approach as near as possible.[1]

visions. For a Connecticut plan, in some respects unique, which has been brought to light, and was favored by the delegates of that State, see 6 Bancroft, final ed., 231.

[1] Hamilton's son and panegyrist finds fault with Madison's report of the speech and plan above referred to; and the elder Hamilton in 1803 denied the public rumor, then current, that he had ever contemplated the abolition of States. 3 John C. Hamilton's Republic. But, on the other hand, Madison emphatically affirms that his report was fair and ingenuous, and that Hamilton revised it at the time, and expressed himself satisfied. 4 Madison's Writings, 177, 380. That both speech and plan must have been substantially as stated in the text, is amply confirmed by Hamilton's own contemporary letters and published memoranda. See 2 Hamilton's Works, 395, 421; 6 Bancroft, final ed., 236–239.

This speech of Hamilton's provoked some sharp dissent. "I am for a national government," said Wilson in reply, "but not for one that will swallow up the State governments." To this Hamilton replied that he did not mean to advocate a total extinguishment of States; but only that a national government must have indefinite sovereignty, for otherwise the rivalship of the States would gradually subvert it. And once more, he added: "I acknowledge I do not think favorably of republican government; but address myself to those who do, in order to prevail upon them to tone their government as high as possible."[1] June 18-25.

In this instance Hamilton evinced that eccentricity of thought, that confident reliance upon his unaided judgment, and that equally confident way of impressing his convictions upon others as truths eternal, which aided so greatly to benumb his capacity for successful leadership in a republic like ours. To the cooler heads of the assembly it was plain that a man of brilliant parts, if not of genius, sent thither to represent the most reluctant State in the whole confederacy, with two colleagues who seemed expressly selected for thwarting the convention,— that one who had worked for years to bring about this gathering, now flung away his opportunity. Though men in and out of the assembly could have sympathized with his views in some respects, all knew them to be impracticable; so that, as a delegate presently remarked, Hamilton had been praised by many but supported by none. Conscious of his failure, the mortified speculatist soon left Philadelphia; but, on the withdrawal of his colleagues at a later and more critical period, he was induced to return; and casting at length the solitary vote of New York with discretion, he put himself quickly in sympathy with the reform element of the convention, and gained deserved applause. But the fundamental opinions Hamilton had revealed in this convention so frankly bear upon the conduct of his whole later career.

The three great compromises of our Constitution had

[1] 6 Bancroft, 239-246.

not to yield entirely that confederate rule of re
which the larger States were bent on invading
ably preserved the composite character of our sy
the mode of choosing senators might be imp
The second, unfortunate as a concession to sl
nevertheless to have been a not unjustifiable sa
large slaveholding States that found popular re
reduced to a single house; its main purpose b
encourage that institution, but rather to preser
rary prestige for the sake of union, which abol
much enhance. But the third, which was thru
convention by sleight of hand, and carried thro
nited effort of some maritime deputies and the tw
most States, while the Pinckneys cracked their w
the Union responsible for riveting upon our co
twenty years a nefarious traffic which a majo
slaveholding States and the better part of our
condemned already.[1]

The enumerated powers of Congress were rea
out after the main principles of the new gover
been determined; and the language of the existi
guided in some of the delicate provisions whicl
obviate collision with the States. The House, wl
espond the more readily to public impulse, w

[1] See Elliot's Debates. The committee of detail mad
hanges in the draft submitted

with the right of originating all revenue bills, while to the Senate were committed high functions of an extra-legislative character. In the choice of members, as in various matters of constitutional detail, the disposition was to leave States to their own discretion.

With regard to the executive, ample room for disagreement was found; but no such violent controversy occurred as in the case of the legislature. The weight of opinion favored not a plural, but a single chief magistrate, who should hold office for a moderate term of years. But there was grave discussion concerning the method of choosing him, the precise tenure of office, re-eligibility, and to some extent the executive functions; and it is not a little remarkable that the controlling provisions of our Constitution in these respects were adopted in full detail, as if by an exhausted assembly, upon a mere committee report made in the latter part of the session.

At this early day there was in America little or no practical recognition of universal suffrage as a political right, apart from a property qualification; and so conservative were the delegates here present as hardly to permit of the popular choice of representatives to the lower house. Some system of checks and balances, the filtration of the public will through intermediate channels, was deemed indispensable to public order. As against the popular choice of a President, for which only the Pennsylvania delegates contended, it was alleged that the people are the dupes of pretended patriots; that it would be as unnatural to refer the choice to them as to refer the trial of colors to a blind man; that the country at large can never be sufficiently informed of characters with a continental experience, nor citizens of a State be induced to select another than their local Hampdens. Dr. Franklin felt compelled to rebuke his brethren at one time, so unrepublican was the tone of their discussion, by reminding them that our fundamental principle regarded rulers as the servants and the people as their superiors.

It is not strange, therefore, that up to a very late stage of proceedings the convention showed a disposition to give the choice of the chief executive to Congress, this being a feature

both of the Randolph and New Jersey plans, and agreeable, moreover, to the usage, in many States, of choosing the State governor. It was only when it became certain that the term of presidential office, which many wished to make seven years, with no right of re-election, would be placed at four years, with re-eligibility, and when, moreover, the legislature assumed shape as a congress of two houses with largely increased authority, whose members were susceptible to intrigue, cabal, and corruption, and the pressure of foreign influence besides, that the convention turned with alarm to other modes of election. Hence the expedient of an electoral college, which Wilson and Hamilton had foreshadowed, and which the convention, vexed by fruitless discussions, finally accepted without debate; concluding it preferable, doubtless, to other ingenious plans suggested, such as putting the choice out to the State governors, or drawing names blindfolded from a bag, or committing the election to an intriguing Senate alone.[1]

In no respect has our Constitution operated so differently from what its actual framers intended than in this machinery of an electoral college. A body convoked, as they expected it to be, for solemn incubation, has degenerated into a mere mechanism for cackling results; and that with this constant menace to American liberty,—that in a close contest a few electors, or even a single one, cajoled, bribed, or menaced into violating a tacit pledge to the people, might becloud the Presidential title, defeat the popular will, and perhaps plunge the nation into a bloody strife over the succession. And yet this was the feature of our Constitution which in advance gave, perhaps, the most general acceptance.[2]

[1] This electoral college was a favorite mechanism with Hamilton who would have had the President independent not less of immediate legislators than the immediate voter. His original plan had proposed — that the House of Representatives should be chosen directly by the people (*i.e.*, the qualified voters); that Senators should be chosen by electors chosen by the people; and that the President (with a tenure of good behavior) should be chosen by electors who were chosen by other electors who were chosen by the people (*quaere* landholders). 6 Bancroft, final ed., 237.

[2] See Federalist, No. 68.

We may add that, following the prevailing practice of the States, the convention determined to throw the election of President into the legislature, in default of a majority of votes for any one candidate as the chief magistrate; but for this contingency the House voting by States was deliberately preferred to the Senate, of whose privileges the convention grew gradually suspicious. Hamilton's preference was to let the highest number in the electoral college elect, whether a majority or not. A novel and acceptable feature of the committee's plan was the provision for a Vice-President. The powers vested in the executive, including the qualified veto, for which various State constitutions had set an example, tended to diminish the probable influence of the legislature.

The judiciary and a judicial system to operate directly upon individuals occasioned no serious difference of opinion. The judicial tenure of good behavior, sacredly cherished under our common law, was unanimously assented to. It was at one time proposed that the trial of impeachments should be given to the judiciary, but this power was afterwards transferred to the Senate.

State encroachment upon the Federal orbit was to be forfended, for experience taught that unless the Federal government could negative such acts of local legislatures as contravened its just authority, States might come to set it at defiance. Madison's idea had been to establish a council of revision; Hamilton's to confer a veto power upon the Federal executive. Jefferson disapproved Madison's scheme as one which proposed to mend a small hole by covering the whole garment, and suggested that the only true remedy, so far as any existed, lay in the Federal judiciary;[1] a conclusion to which the convention likewise came. And, besides requiring that State officers should take oath to support the Constitution of the United States, that instrument made express declaration of the binding force of the Constitution and pursuant laws and treaties as the supreme law of the

[1] 2 Jefferson's Works, June 20th, 1787.

grudgingly, the facilities of *habeas corpus* and
rial by jury. The several States (and yet not
erms, the United States) were forbidden to e
redit, make tender of anything but gold and sil
mpair the obligation of contracts; but neither
ocal authority should pass bills of attainder or
aws, nor grant titles of nobility. Mutual faith
were enjoined as to the public acts and proceeding
he peaceful citizen of one State was declared
he privileges and immunities of all; while eacl
o deny an asylum to any fugitive from justice,
im upon demand of the State from which he ha

The prospective growth of the Union encourag
he policy of leaving territorial regulation to
liscretion of Congress, but that likewise of adm
States into the Union.[2] But to check the prese
rating tendencies, it was forbidden to form new
he dismemberment of old ones, except upon mu
f the legislatures concerned, beside the sanctic
ress. This unfettered facility for the admissi
States has brought practical evils; the evil most
s that of new territorial sovereignties too hastil
emaining represented in the Senate, coequal with
nd most populous.

Two clauses, which attracted comparatively li

at this time, have served since to prop pernicious theories. One of these guaranteed to each State a republican form of government, and protection against domestic violence; the other (whose language seems to have been borrowed from a clause contained in the ancient compact of the New England confederacy), related, in substance, to the surrender of fugitive slaves. The simple design of the former clause was not for encouraging the Union to meddle with local institutions at discretion, but instead to keep those institutions secure against factionists of the Shays order. The latter clause is now happily obsolete.

The fate of the existing league warned Americans never to build another house which could only be remodelled by pulling the whole structure to pieces. The power of amendment, though still under restraint, was left accordingly by the convention, except in two special respects, so that the spirit of reform might hope to mould and alter; and had this been otherwise, neither would the Constitution have been adopted at all, nor, granting its adoption, could it have lasted twenty years. As the wisdom of these master-builders shone clearly out at this point, so was their masterly audacity vindicated in so putting forth the new plan of union that any nine out of the thirteen States might, by adopting it in popular convention, free themselves forever from the present paralytic confederacy; for the premeditated course, and the only course, indeed, which promised safety, was by a sudden move of bodies politic, unexampled in history, to disunite from one Federal government and at once reunite under another.

A composite scheme of government like the present, the product of mutual concession and compromise, was not likely to satisfy even those who had framed it. Not a delegation was present whose State was not compelled to surrender one valued right in order to gain another. To induce members to sign the final draft, that it might go forth with a weighty sanction, was hence not easy. Elbridge Gerry, of Massachusetts, positively refused to pen his name. Luther Martin, of Maryland, had already left disgusted. Yates and Lans-

ing retiring early, New York would have been without a representative but for Hamilton's return. And what caused the greatest concern, Virginia's delegation had cloven apart; Mason and Randolph, men of much influence at home, strongly disapproving the plan as finally resolved upon. There were sixteen deputies present at this convention, whose signatures, for one reason or another, were withheld.

Sept. 17. On the morning of adjournment a final effort was made to appease the refractory members. Franklin, rising in his place after the engrossed copy of the new Constitution had been read through, offered a form of attestation by States, to which members might append their names without yielding their personal scruples; and he urged, as the ground of harmony, that while a new general government was absolutely needful, no better plan than the present was likely to emanate from any later convention. His well-chosen remarks were applauded by Gouverneur Morris and others, who followed in the same strain. "No man's ideas," says Hamilton frankly, "are more remote from the plan than my own are known to be; but is it possible to deliberate between anarchy and convulsion on one side and the chance of good to be expected from this plan on the other?" Washington had refrained from active discussion; but he now left his chair to propose a slight change in the representative ratio clause, which was promptly carried, not less from the general desire to propitiate the divided delegation of his State than from a conviction that the greatest among them stood securely. But these efforts were lost upon the men towards whom they were chiefly directed. To the attestation clause, adopted after the form Franklin had proposed, the name of Washington, as president of the convention and deputy from Virginia, was first subscribed; then followed the signatures of such other delegates, ranged by States, as chose to yield their assent.[1]

One salient anecdote alone enlivens the grave traditions of this almost continuous secret session of four months, which had more than once nearly broken up in disorder.

[1] See Constitution of the United States.

Whilst the last members were signing the parchment the silver-haired Franklin, looking towards the president's chair, upon the back of which was painted a half-sun, observed to those standing near him, that painters found it difficult to distinguish in their art between a rising and setting sun. "I have," he adds, "often and often, in the course of this session, and in the vicissitudes of my hopes and fears as to the issue, looked at that behind the president without being able to tell whether it was rising or setting. But now I have the happiness to know that it is a rising and not a setting sun."

Section III.

A MORE PERFECT UNION.

SEPTEMBER 18, 1787 — MARCH 3, 1789.

WE are now led to inquire briefly into the origin of political parties in the United States.

The two great subjects which most enlist, and at the same time most distract, the passions and opinions of mankind, are religion and politics; and the more universal in church or state the concession of a right to think and act independently, the stronger becomes the tendency of the mass to separate into parties. Progress is the law of our being; but the true direction of human progress is stated differently, and, whether to accomplish or check innovation, men combine under choice leaders and concert plans for influencing their fellow-men. In some wiser age, when truth triumphs, and passion puts out her torch, a general assimilation, or at least toleration of views is possible, but such an age history has never found. Nor is it certain that individualism and an indifference to parties and sects are the elements of a perfect state of society, more than blind submission to an authority which refuses to be questioned.

Among ancient nations, the Athenian and Roman republics more especially, flourished political parties, whose best

achievement was to advance the condition of the common people and give them a share in honors and advantages which were at first absorbed by a privileged class. Modern parties have a similar tendency. But while human nature is always the same, the conditions of the old and new civilization greatly differ. Political parties take their best scope where the general love of liberty is pure; where thought and action are free; and where political results may be regularly worked out in a common subservience to law and order. After all, a party is but a political agency, an instrument of the people; and the agent or servant should not be above his master.

American society is the product of forces essentially modern. For Europe's reawakening does not antedate the fifteenth century, when the invention of printing supplied the means of diffusing knowledge. The later discovery of America in the final decade of that century widened the area of commerce, encouraged physical explorations, and furnished, besides, some convincing proof that superstition had ruled the Christian Church in the guise of a superior revelation. Reformation in church and state became the animating impulse of the century which succeeded; the sword was drawn; Protestantism and popular right struggled hand to hand with Catholicism and kingly succession. The seventeenth century developed a growing, and yet a grudging toleration. Among Anglo-Saxons, at least, reformation had been domesticated; but empirical methods in science yielded slowly under Bacon's influence to reason and induction, and in the church was intensity of conviction without charity.

Under such influences America was first colonized; colonization of itself establishing a filial relation, which sets the child to imitating the parent. But English colonization on these Atlantic shores originated so greatly in civil and religious persecution, or rather intolerance at home, that the first impulse of our immigrants must have been strong to apply the peculiar principles they cherished where none were likely to molest. And assuredly party spirit was in more wholesome motion, and did more for civil liberty

among these North Atlantic colonies during the reign of the Stuarts and the brief existence of the English commonwealth than under Whig sovereigns for the whole three-quarters of a century which followed; for this was the era of intestine strife at home, and the colonists were left to themselves; it was likewise an era of invention in schemes of government. The Anglo-Saxon dominated on this distant shore; and in the new soil the political ideas of Buchanan, Sidney, Milton, and that favorite of American settlers, Locke, germinated quickly. Colonies, quite disconnected, embraced essentially the same creed of popular government.

The first political fact of American history to confront us is that in each colony during this early period a controversy, waged between proprietaries or incorporators and the body of settlers, ended in the transfer of fundamental authority from the former class to legislatures representing the latter. Those privileged to rule under the royal seal and mandate yielded, however reluctantly, to the demands of a popular rights party. Such a political division operated in the Bacon rebellion, whose influence extended from Virginia to Maryland.[1] Some forty years earlier, the arrival at Boston of Vane, a privy councillor's son, and the expectation that other British peers would follow, flattered an influential faction in the Massachusetts Bay colony into plans for introducing an aristocracy and hereditary rulers; but the people of the colony, at first dazzled, soon came back to Winthrop and plain rule. Yet, even as against Winthrop himself and those who would have claimed a chartered right to rule, the majority declared its own omnipotence.[2]

1675-76.

1635-37.

Political parties must, therefore, have contended on American soil in the earliest era of colonization; radically distinguished perhaps, though not wholly unselfish, by the distrust of the one and the confidence of the other in man's inherent capacity for self-government. One party set much

[1] See 2 Bancroft's United States.

[2] 1 Bancroft's United States.

by privilege, royalty, what was set down in the king's charter, and the power to compel; the other was jealous of external authority, and its champions were in heart more nearly rebels against Great Britain than they cared to own.

Religion tinctured these early onsets, which fortunately drew little blood. But the friends of popular rights and religious freedom were by no means coincident; and it is observable that the doctrines of our Christian faith may be held with little wavering, while political issues change rapidly and call for new party creeds and flexible combinations. Whether it were from policy or conscience, the friends of kingly prerogative or hereditary rights combined often with those who preached liberty of belief. To be commonly obnoxious to those in power is a firm bond of union, and most of that earlier era appeared to define liberty as the exclusive right of propagating their own opinions. Lord Baltimore set the earliest example of inviting Protestants to settle in a Roman Catholic colony; but as the result of a popular triumph afterwards in Maryland, Catholics themselves were disfranchised. The overthrow of the incipient Massachusetts aristocracy and of Governor Vane, too, was accompanied by a bitter persecution of the liberals in religion with whom they had affiliated; and the zealous but indiscreet youth whose later career gained him a place among freedom's martyrs, angrily shook off the Puritan dust and sailed homeward, leaving his parting rebuke of magistrates whose rule is intolerance.[1]

After the accession of William and Mary, America was ruled with a stronger hand; the home policy being now to recall settlers to their allegiance, repress tendencies to popular rule in disregard of the royal charters, and keep the Colonies in loyal subjection. A prime object by this time was to make America a market for British wares and merchandise. Commercial agents and royal office-holders in the New World gave presently a more subdued and courtly tone to society. Less responsible for the course

1688.

[1] See 1 Bancroft's United States; Winthrop's Journal (1635–37); Upham's Life of Vane; 1 Hildreth's United States.

of their own affairs, the colonists now grew more observant of events abroad, of parliamentary statutes and orders in council. To the new generation American politics had become the mere reflex of what was passing in the world of London. Hence came the British party names, "Whig" and "Tory," into vogue among Americans, with, perhaps, this prime distinction, that the colonial Tory was a British subject to the core, through all colonial oppression, while the colonial Whig believed, with Locke, in deriving government fundamentally from the common consent of the governed; that theory so cherished by our earlier colonists, and asserted, somewhat illogically, by Parliament itself for justifying the final expulsion of the Stuarts. Loyalty animated the one set in these Atlantic jurisdictions, while the other ripened insensibly for independence.[1]

That parties in America thus divided long before the outbreak of the Revolution is attested by witnesses as thoroughly competent and yet diverse in their political views as John Adams, Jay, and Jefferson.[2] Franklin, too, who, best of our countrymen, links the new era with the old, was early impressed by the profound influences of party ties.[3]

[1] The origin of the two great English parties since known as Whig and Tory, dates back in Great Britain to the contention of Charles I with Parliament, or about 1641. Roundheads and Cavaliers they were generally called while the strife was by force of arms. See 1 Macaulay's England, c. 1.

[2] John Adams wrote, November 25th, 1812: "You say, 'our divisions began with federalism and anti-federalism.' Alas! they began with human nature; they have existed in America from its first plantation. In every Colony divisions always prevailed. In New York, Pennsylvania, Virginia, Massachusetts, and all the rest, a court and country party have always contended. Whig and Tory disputed very sharply before the Revolution, and in every step during the Revolution. Every measure of Congress from 1774 to 1787, inclusively, was disputed with acrimony, and decided by as small majorities as any question is decided in these days." 10 John Adams's Works, 23. "The Revolution," observes John Jay, February 28th, 1800, "found and left only two primary parties, viz., the Whigs, who succeeded, and the Tories, who were suppressed." 2 John Jay's Life, 293. Jefferson, in a more impassioned strain, wrote to the same general effect, May 3d, 1802. See 4 Jefferson's Works, 437.

[3] Franklin's Autobiography (Bigelow), 245. January, 1781.

But provincial politics took their own special direction. The New England confederacy, that embryo of our Continental Union, the king had carefully suppressed; and yet so strongly did the Colonies incline to confederate, from common interests, common sympathies, and the need of a common defence, that the problem of reconciling union with British allegiance engaged thoughtful minds throughout that dull three-quarters of a century which preceded the Stamp Act. Among the tendencies here to union and independence were conflicting territorial claims to the westward, a needful defence against Indian enemies, intercolonial commerce and migration — all of which subjects led to conferences and plans of general co-operation. But with the effort of the home government to impose taxes without colonial consent or participation came a new impulse to the aroused spirit of resistance. The overshot of a headstrong king and a tyrannous Parliament soon brought the Whigs of America quickly to this only tenable conclusion of the whole matter: "Leave allegiance to its chances, but join against tyranny, or die." Parties hitherto provincial and trivial joined in serried phalanx. Committees of correspondence, the secret order known as the "Sons of Liberty," and finally a Continental Congress, worked the colonial Whigs into resistants, then into revolution. Colonial Tories, on the other hand, — men who from one motive or another adhered to their monarch and British allegiance, — were the non-resistants. In this sharp division political opponents became bloody foes; and our later Whig was not the Pitt man, the mere opponent of Lord North's ministry, but the king's rebel, armed for union and liberty. "Tory" was a word of terrible reproach in America after the patriot cause triumphed.

From the moment the Whigs of the several Colonies came into full concert, and throughout our whole Revolutionary War, these new elements of political dissension appeared: (1.) A jealousy of the larger Colonies or States, entertained by the smaller; compelling Virginia and Massachusetts to various sacrifices, for the sake of harmony. (2.) A rivalry between South and North; or, to speak

with more exactness, between the New England Colonies or States and those south of Pennsylvania; the middle section serving as a makeweight. This, it should be borne in mind, was not a direct issue between free and slave institutions, but rather between one section, whose interests were manufacturing and commercial, and another, purely agricultural and devoted entirely to raising great staples for a foreign market. It presented more of an economic than a moral difference. (3.) British tastes and a disposition to pattern after the British model as against a sympathy with France, our firm ally, and the new and spreading French school of philosophers. (4.) Among inhabitants of every quarter a division of sentiment, as favoring sovereignty in the Colony or State, on the one hand, the ancient object of a settler's pride, and on the other the central government, union, or confederacy, under whose stars and stripes we had marched to victory. Herein were the germs of national party divisions in America.

But it was the last element which most powerfully and immediately operated. When the war ended, the Whig name had been swallowed up in that broader one of patriot and American. As for Tories, the few who had not fled remained in political obscurity, irresponsible as to passing events. State pride now increased as the Union languished. The road to popularity in each State was to inspire an unfounded jealousy of the powers of Congress. But political issues from 1783 to 1787 were chiefly local and uninteresting; moderate and radical Whigs wrangling over the treatment of Tories, whereby the former set procured in New York and some other States a partial repeal of the harsher confiscation acts; friends of order combining to hold the lawless and extravagant in check; framers of State constitutions advocating one thing and another. Nowhere were local politics more violent than in Pennsylvania, where the people of the State, at the time of the Philadelphia Convention, were ranged in two opposing parties — the one styled "Republican," which was seeking to amend the State constitution, so as to give the government greater stability; the other, or "Constitutional," opposing all change.

On the whole the tendency of parties from 1783 to 1787 was to denationalize and crumble into fragments. An organization of national parties, on ballot-box issues, was indeed unknown in America prior to the Philadelphia Convention. How little the simplest mechanism of national parties was appreciated, the debates in that body on the Executive clearly evince. But newspaper discussion had fixed the public attention upon national affairs, and the same forces which brought delegates to Philadelphia were now at work shaping a new popular movement.

No sooner, then, was the plan of a new Federal constitution published than the political mustering began on a continental scale. Local issues were postponed or absorbed into the broader national one, and in a brief space the whole country was studded with the camps of two great political parties.

The initiative in this short and sharp campaign belonged, of course, to the friends of the proposed constitution. With that diversion of epithets for political effect which is so common where partisans have the chance to name opponents as well as themselves, the constitutionalists now called themselves Federalists, and their adversaries Anti-Federalists. The party name of Federalist has since become historical; and yet, to speak logically, it was the Anti-Federal party that sustained a federal plan, while the Federalist contended for one more nearly national.

The first thing was to get the Continental Congress to sanction the work of the Philadelphia Convention. This decent formality had been prescribed for satisfying the scrupulous delegates. Needful or otherwise, that sanction was not long withheld. Many Congressional delegates had taken part in the convention. Hastening back from Philadelphia to New York they joined their fellows, and in less than a fortnight Congress had resolved, by a unanimous vote of the States, to transmit the proposed constitution to the several State legislatures for each State convention to act upon.[1] It was a bitter humiliation to

Sept. 28.

[1] Elliot's Debates; 1 Madison's Papers.

Congress, but pride was useless, and a mere neutral reference would suffice.

The several States thus quickly became the accepted battle-ground of parties; and for the Federalists to win, it was indispensable that in nine out of the thirteen States a popular convention should be suitably summoned, suitably made up, and brought to a suitable decision. Unanimity in Congress meant little, for this had been obtained by waiving all expression of approval or disapproval, and leaving the sovereign members of the Confederacy to act as its people should think fit. Neither Federal candidates for office nor a Federal policy entered as yet into the momentous issue, which was simply whether to accept or reject the new plan of government now offered.

The same delicate regard for popular susceptibilities, which influenced the choice of a party name, the Federalists continued to show in managing their cause. They did not so much claim that the proposed constitution would nationalize and consolidate the Union, as that it promised to restore civil order and bring our complex forces into due harmony. They boasted little of the merits of the new plan, but rather sought to persuade the people that this was the best attainable, without whose acceptance disunion would inevitably ensue. The achievement of bringing the most trusted men from all sections into convention, and of committing so many of them to the published results, went far towards organizing their party for action. It was much in favor of such a party, too, that a definite remedy was offered and not a mere diagnosis of the disease. Finally, hope wars on the side of those who take the initiative.

The Anti-Federalists, on the other hand, hastily gathering to act upon the defensive, had the disadvantage in point of discipline and purpose. As for feasible counter-projects, they had none to propose. But their aggregate was large in some of the leading States; they could afford to lose much if they kept little of the country; and State pride, prejudice, inertia, the fear of new ills, all aided on their behalf.

Between these two parties the people balanced in opinion.

The press and platform offered a common medium for persuasion, and for the next ten months America became a debating ground. The Federalists had the ablest writers and, with a few exceptions, the most impressive speakers. Some of those in convention had made a careful analysis of all the Federal governments of ancient and modern times by way of preparing for this new framework. Men who had studied history well before they went to Philadelphia, and heard there in secret session all that was likely to be urged for and against each article, now approached public discussion as from a private rehearsal. They knew the whole anatomy of their structure and had felt every bone. Except for a few of their own refractory brethren, not all of whom were open malcontents, they could leave the opposition to find out the weak spots of a finished constitution as best they might. For after the country had watched the locked doors of Independence Hall for a whole summer, stirred by rumors at one time that the convention would break up in disorder, at another that the crown of America was to be offered to an English peer, suddenly the portals were thrown open, and a plan of union entirely new appeared; not the amendment propositions many had looked for, but something to supersede the existing articles altogether.

In the course of this general discussion, the Anti-Federalists urged the following as their chief objections to adopting the new Constitution: States would be consolidated, and their sovereignty crushed; personal liberty would be endangered, since no security was furnished for freedom of speech and the liberty of the press, nor assurance adequate against arbitrary arrest or forcible seizure and the denial of jury trials in civil cases; standing armies, too, were placed under too little restraint. Making the President re-eligible indefinitely seemed too much like giving a life tenure to the executive office. An aristocratic court and an aristocracy, it was argued, would grow up on this continent. To these general objections Virginia gave the keynote. Others appealed more to local interests; objecting to such features as the sacrifice of representation in Congress by smaller States, and the surrender of commercial independence.

The dread of navigation acts and of some surrender of our rights in the Mississippi operated at the southern and western frontier. The South feared, too, that a Federal judiciary might enforce the collection of British debts under the treaty of peace. Those who favored dismembering old States in order to form new ones were of course dissatisfied; likewise the friends of State paper money, stay laws, and repudiation.

Much of the Anti-Federal criticism was just, and such particularly as inferred the need of a fuller bill of rights. But, as often happens where one theorizes upon a political scheme not yet reduced to practice, the weakest parts of the Constitution escaped animadversion. Through a defective arrangement of the electoral clockwork we scarcely escaped anarchy the fourth time it was applied; but this defect no one appears to have pointed out. And as for the concessions to slavery, scarcely an Anti-Federalist opened his mouth to object to them. Not a single ratifying State offered an anti-slavery amendment, though numerous other changes were proposed.[1]

The Federalists, while admitting that the proposed plan had faults, began by refuting objections and insisting that nothing better could have been framed in the general interest of the Union. This presently led to a complete exposition of the new plan, article by article, in the public prints. By far the most remarkable production of the latter sort is preserved in a collection of essays which borrow the party style of *The Federalist*. Eighty-five in number, short, pithy, and animated, their publication

[1] Chief among the anti-slavery objectors in local conventions were Colonel Mason and John Tyler, in Virginia, and Messrs. Dow and Atherton, in New Hampshire; besides one or two ridiculous speakers in the Massachusetts Convention whose names need not be mentioned. Wilson, in Pennsylvania, Madison, in Virginia, and a few other Federal delegates argued that the new Constitution, with reference to slaves, afforded on the whole more encouragement for the emancipation cause than the Federal system then existing. Zachariah Johnson in the Virginia Convention made a manly avowal of emancipation sentiments. See 1-4 Elliot's Debates, *passim*.

was rapid, beginning during October in a New York newspaper. They were designed more expressly to influence opinion in the close State of New York, but they made an abiding impression throughout the country. Written in a tone singularly free from arrogance or party cant, and yet persuasive, with warmth of coloring and skill in historical illustrations, as if from the pen of some profound observer who seeks to impress upon others the convictions which a thorough examination has forced upon himself, the *Federalist* won the sober sense of the community, which was ultimately to decide the issue, more than all other campaign documents together. Even at this day, despite the corrections of experience, the *Federalist* stands as the best commentary upon the American Constitution ever written, and a safe text-book of American politics. The publication of these essays was over a Roman pseudonyme, after the fashion then prevalent among newspaper contributors; but the merit of authorship belongs to Hamilton, in company with Madison and Jay. Hamilton was the directing spirit of the work, and probably originated the plan; and nothing could better illustrate his skill as an advocate and versatility than the ease with which he now expounded a constitution which he only half believed in.[1]

[1] The impersonal character of the Federalist essays and their literary permanence has fostered a controversy in later years over the authorship of certain numbers. Hamilton's son asserts that his father wrote 63 out of the 85 essays, and Madison only 14; 3 others being the joint product of Hamilton and Madison. 3 J. C. Hamilton's Republic, 352. Madison's biographer claims, on the other hand, and upon what appears reasonable evidence, that Madison wrote 29 of the essays, including some of the most important. 2 Rives's Madison, 483, 503; 3 Madison's Writings, 99. Jay's share in the work was limited apparently to 5 essays.

It is unfortunate that the later political alienation of Hamilton and Madison, who at this period worked so splendidly together, should have caused a personal feud to be transmitted to their respective descendants.

The New York city newspaper in which the first of the Federalist essays appeared was the Independent Journal. The essays were issued in book form about March, 1788. The original signature of the first essay was "A Citizen of New York;" but "Publius" (the name

The publication on the other side to which these essays were an offset was styled *Letters of a Federal Farmer*, and Richard Henry Lee of Virginia was their reputed author. Thousands of that Anti-Federal document circulated through the Middle States while the spirit of discussion ran high. Lee himself, with Nathan Dane of Massachusetts and the New York delegates in the Continental Congress had warmly opposed, in the first place, all reference of the Philadelphia instrument to the people on the ground, tenable enough under ordinary circumstances, that Congress had no power to assist in creating a new government of nine States. That opposition failing, he entered warmly into the main controversy, and took a busy hand in the correspondence which had ensued among States' rights leaders to induce Gerry, Samuel Adams, and all other doubtful men of revolutionary influence to help defeat the proposed plan of union in their respective constituencies.[1]

Before the end of 1787, the central tier of States, Delaware, Pennsylvania, and New Jersey, had taken favorable action upon the new Constitution. Their respective conventions ratified in December, and within a few days of one another.[2] The Pennsylvania body assembled first; but that of Delaware, meeting shortly after, gained the first honor by prompt and unanimous action. The example of wealthy and powerful Pennsylvania was a powerful stimulus to the Federalists, who owed no little of their inspiration to the steadiness of her grand cohort at Philadelphia. There was some political strategy, however, and perhaps violence, in securing this ratification; for scarcely had the Philadelphia convention dispersed before the "Republicans" of Pennsylvania improved the opportunity

which comes down to us, *i.e.* Valerius Publicola) was afterwards adopted by the joint authors. See authorities, *supra;* J. C. Hamilton's Federalist, Introduction ; 6 Bancroft, 452.

[1] 6 Bancroft, final ed., 371–375.

[2] Delaware ratified December 7th, 1787 ; Pennsylvania, December 12th ; New Jersey, December 18th.

of their temporary ascendency in the legislature to summon a State convention, regardless of the minority and of those desiring to measure their strength on such an issue at the polls.[1] Through this convention the Federal Constitution was carried in a whirlwind; Wilson and McKean being its strongest advocates, and the vote for adoption standing 46 to 23. In New Jersey, the third ratifying State, the vote of the convention was unanimous; but the minority of the Pennsylvania convention, refusing to add their names, protested bitterly.

1788. During January of the new year two States, from opposite quarters of the Union, gave in their adhesion to the proposed plan of government: Georgia and Connecticut. The former ratified unanimously, the latter by a handsome majority.[2]

But by this time the first enthusiasm of the cause had spent itself, and the real toil commenced. The Anti-Federalists, unprepared at the first onset, were at last fully organized, and in most of the States whose conventions were yet to act developed unexpected strength. Rhode Island had refused to call a convention at all. It was certain that thirteen States would not for the present ratify, nor even twelve. Five States had joined the standard of the new constitution; nine, however, were requisite; and which should be the other four?

Jan. 9–Feb. 6. It was for the Massachusetts convention to turn the scales. That venerable commonwealth, which had never slept, was now strangely distracted in what promised to be a numerical count between the sheep and

[1] When the vote for holding a convention was taken in the Pennsylvania legislature, in whose single house the Republicans had the majority, the Constitutionalists tried, by absenting themselves, to prevent a quorum. But a band of Philadelphians went after two of the absentees, seized them, dragged them forcibly to the State House, and pushed them into the legislative assembly. The door was closed upon them, and with a quorum thus secured the vote was carried. Westcott's Historic Mansions, p. 124; 6 Bancroft, final ed., 391.

[2] Georgia ratified January 2d, 1788; Connecticut, January 9th.

goats. Wealth, culture, and intelligence certainly sided with the Federalists. Here were the orthodox clergy, very influential in town meetings, college men and lawyers; property holders, who wanted no more jack-o'-lantern rebellions; conservatives, having a vested right in the good things of life; and merchants, who welcomed the prospect of a firm commercial establishment. To a long array of distinguished civilians, all in favor of the Constitution, were added in the convention the best military talent of the State, — Knox, Heath, Lincoln, and Brooks. But this very preponderance of learning, renown, wealth, and social respectability on the Federal side — so great as to leave Governor John Hancock and that peerless commoner, Samuel Adams, almost alone among the immortals in maintaining a cautious reserve — huddled all the more closely together a large opposition force, jealous of city cliques, whose votes could not be ignored. Nowhere did Anti-Federalism appear so ludicrous in convention, if we may trust the authentic report, as in this State.[1] Long-haired folks, bumpkins, green radicals, and training-day generals came up or down to Boston from their rural constituencies to cut their awkward antics, and then vanish like Ariel's shapes. Most of this unripe fruit were windfalls of the Shays tempest, but the Maine separatists were likewise in force. Against these stubborn Widgerys, Nasons, and Singletarys, and their Bombastes, General Thompson, Federals so weighty as Parsons, Ames, King, and Bowdoin appeared somewhat like hired counsel of keen intellects trying to win over a suspicious jury. Hancock and Adams, indeed, were the only men in the whole convention who could influence such a set; and to procure their salutary aid the exhausted Federalists at length addressed their efforts. A demonstration of Boston mechanics braced up the favor of the great revolutionist; while Governor Hancock, the presiding officer in the convention, was solicited

[1] See 2 Elliot's Debates; Boston Centinel. The only authentic debates of the Massachusetts Convention have been reported by a Federalist editor, who possibly dealt unfairly with the opposition speakers.

to act as the general mediator — a part quite agreeable to him. But this political alliance was not made without the Federal concession that Massachusetts, while ratifying, should submit desirable amendments. The amendments, nine in number, whose main purport was the better security of individual rights, were drawn up by Parsons. These the governor, according to understanding, presented as his own, with a graceful and moderate speech; Samuel Adams following in a similar strain. That excellent manœuvre won the waverers; though, even on such terms, the convention ratified by the close vote of 187 to 168. In this victory of tact and good temper it was Boston and the large towns that prevailed over the sparse districts. Gerry, as a Philadelphia delegate, had been honored in this convention with a seat; but the Federalists checkmated those who had hoped much from his presence, by taking care that he should not be allowed to debate, but only to enlighten the convention as to facts which transpired at the great gathering of 1787.[1]

Massachusetts' action decided the country, though too slowly for the Anti-Federalists to perceive their danger or how they had been outflanked. It was not alone the example of that essential State, but her methods of proposed amendment solved the whole difficulty with the people at the right moment. This flank movement literally saved the Federalist cause from disaster; for the Constitution, as it came from Philadelphia, could not have been carried, as events proved. Had the Anti-Federalists of other States wisely accepted this as a compromise, their party might have claimed half the triumph as theirs. But, with their strongest position turned, they now took their narrow stand upon utter rejection, reckless of what this might lead to. Having claimed with reason already that amendments to the Philadelphia instrument were indispensable, they had strenuously insisted, as they still continued to insist, that amendments ought to be made a condition precedent to all State acceptance. The Federal-

[1] Massachusetts ratified February 6th, 1788.

ists, with more intelligence, made this new resource their own; immediate acceptance, with a generous trust that amendments would follow, became rather their ground of appeal; and confiding rightly in the good sense of the people, they insured to themselves not only victory but the best fruits of it.

New Hampshire should have acted next; but the convention of that State, meeting in February, adjourned over until after the spring elections. A feverish intermission followed. Meantime the Anti-Federalists of New York and Virginia were pressing the Pennsylvania "Constitutionalists" to rally once more, in the hope of reversing the favorable action of that State; for though in Philadelphia and east of the Susquehanna, ratification was popular, the western sentiment of the State opposed all consent. Feb. 19.

Maryland's convention met in the latter part of April, and after a session of six days ratified by 63 to 11 and unreservedly. Samuel Chase, of Revolutionary fame, and the eccentric Luther Martin, statesmen vehement but overbearing, united in vain to prevent this decision.[1] April 21–26.

In South Carolina a convention assembled May 12th. The Federalists, marshalled by the Pinckneys, were here successful, and ratification was carried by a handsome majority. The chief battle with Anti-Federalists had been fought in the legislature. Ratification was here accompanied by the proposal of amendments; and, to South Carolina's lasting honor, it should be added, the convention deliberately refused to wait and see what action Virginia might take, but cast in the lot of their State with the Union, as though to dare the risk of isolation.[2] May 12–23.

[1] 2 Elliot's Debates. There was a movement in this convention for proposing amendments, but the convention adjourned without taking decisive action upon the question.

[2] See 4 Elliot's Debates. Rawlins Lowndes voiced the minority in a brilliant speech before the State legislature. South Carolina's right to import slaves, he argued, ought not to be fettered; but the Congress, as constituted under this new plan, would come at last to

South Carolina was the eighth ratifying State. One more, therefore, and the Constitution was carried. But neither Rhode Island nor North Carolina would now accede; hence the Federalists had to look to New Hampshire, New York, and Virginia, all of them hopeful to the cause but none certain. The close division of public sentiment in the two latter States, where Anti-Federalism kept strongly intrenched, had been the sorest disappointment of all to the Federalist party.

The New York Anti-Federalists were directed by the iron hand of Governor Clinton, a man of patriotism, long trusted at the head of affairs, honest and capable, but wilful and circumscribed besides in his views of American policy. His ambition was devoted to furthering the commercial interests of his native State, whose rising opportunities he clearly foresaw, caring for little else. By his social influence and the use of official patronage he had already defeated the impost amendment in that State, and he was as willing New York should thwart the Union single-handed now as then. When the State legislature met in January he laid the recommendation of Congress before it so unconcernedly that resolutions for holding a State convention did not pass until February, and then only by a bare majority.

Feb. 1.

In Virginia, whose convention met at Richmond in June, the great parties contended on more equal terms than in any other State of the Confederacy. On this soil it may be truly said that Anti-Federalism found its Yorktown as British supremacy and Cornwallis had done before. Prominent among Anti-Federalists in the Virginia Convention, and admirable for his steadfast devotion to human rights, was George Mason, a delegate who had left Philadelphia bitterly hostile to the new plan.

June 2.

deprive the people of slavery. Thus would the Constitution prove ruinous to the liberty of America; for, declares Lowndes, "without negroes this State would degenerate into one of the most contemptible in the Union."

The South Carolina Convention ratified by a large majority of 76, the vote standing 149 to 73.

James Monroe, a man of rising repute, acted, but with more moderation, on the same side, being one who, at this time of life, leaned much upon the advice of others. Their recognized party leader, however, was the renowned Patrick Henry, foremost of Virginia's sons to urge the union of the Colonies against the king, yet a lover of his State at all times beyond the weakest or the strongest American Union. Simple in his manners, wearing the dress of a plain farmer, a man of no great scholarship, rugged, unpolished, and even ungrammatical in common speech, he was nevertheless a master of the human passions, and, like all of the world's great orators, an orator on great occasions. He had filled the highest stations Virginia could bestow, and with his known contempt for wider honors he was the idol of his fellow-citizens. Indefatigable though he had been hitherto, Richard Henry Lee ceased to tower among such party associates; he seems to have attended this convention, like another of his name, but his part was not prominent.

On the Federal side Washington was the silent watchman. Though taking no open part in the political contest which followed the Philadelphia Convention, his personality was all-pervading. With his usual persuasive delicacy he had on his return to Mount Vernon promptly mailed to Patrick Henry a copy of the new Constitution, avowing this plan to be, in his own estimation, the best obtainable; calling attention furthermore to the article which permitted future amendment, and impressively declaring that our political concerns were "suspended by a thread."[1] But in his own State Washington was less of a demigod than elsewhere; and the orator at all events was not won. Washington was not in this convention; and for active warfare, Madison continued the great reliance of Virginia Federalists. Upon Washington's advice he had left Congress and run for the State convention, to which he was now elected. The venerable Chancellor Wythe, whose pen had been withheld at Philadelphia, pronounced for ratification; so, too, after some hedging, did Governor Randolph, much to the chagrin of

[1] 9 Washington's Writings.

the other non-signers. Edmund Pendleton, a citizen crowned with years and State honors, presided over the Virginia Convention; and his few well-chosen words in favor of the new experiment made a memorable impression. John Marshall, tall, gawky, bright-eyed, a rising member of the Richmond bar, laid here the foundation of his national fame as a Federal speaker, and his service on this occasion was illustrious.

In so close a division of native talent, another favorite son of Virginia swayed the assemblage. This was Thomas Jefferson, still serving abroad on the French mission but dominating the liberal element by the letters he wrote home. A man of culture, whose taste inclined to scientific and speculative studies, and endowed as an orphan with an ample fortune for gratifying it, Jefferson, who in less stirring times might have spent his prime at the head of a college, came early into revolutionary politics, and by a single composition immortalized his name when scarcely thirty-three years old. More recently as governor of Virginia and a leader in legislative reforms he had gained a State prestige, which four years' absence could not seriously impair; for he was no orator, but his eloquence lay first in fascinating conversation, and next in a sympathetic pen, which spoke for him when he was seas away. Jefferson as a statesman was original, with experimental tendencies in the direction of the broadest philanthropy and republicanism. No American of his age trusted compulsory rule so little or believed so much in self-government. Leaving a hearthstone made desolate by the death of a loved wife, and reaching France at the moment the old *régime* was collapsing, he threw himself with more ardor into the arms of the French democracy and took closer counsel of French philosophy, with its radiance of human faith and penumbra of religious skepticism, than his riper experience wholly approved. His disgust with kings and the pomp of courts was profound. Old Frederick of Prussia was the only sovereign of the age that he could admire at all. "There is not a crowned head in Europe," he wrote at this period,

"whose talents or merits would entitle him to be elected a vestryman by the people of any parish in America."[1]

Jefferson had sailed from America in 1784 impressed with the belief that a few amendments would give the Confederacy all the national bracing needful. Nor had even the Shays insurrection much shaken his faith in the efficacy of the old system. Of the present constitutional movement Madison had kept him informed at each stage; but Jefferson manifested only the interest of a statesman open to conviction. When a copy of the proposed Constitution reached him, his first impression was equally favorable and unfavorable; he liked the idea of a central government which should go on without recurrence to the States; likewise the divorce of executive and judiciary from the legislature, and the Congress of two houses; but his disappointment was so great on finding that the instrument contained no bill of rights, so as clearly to provide for freedom of religion, freedom of the press, freedom against standing armies, restraint of monopolies, trials by jury in civil cases and an eternal force of *habeas corpus;* and, furthermore, he so disliked giving up rotation in the presidential office, whose term he would have fixed absolutely at seven years as originally proposed, that he declared himself indifferent, "nearly a neutral." His first letters expressed after this tenor were shown among the Virginia leaders, and the Anti-Federalists claimed him on their side. But Jefferson was neither so implacable as they nor so unwatchful of the current of events. Strenuous still for a bill of rights above all things, his mind turned soon to considering whether this might not in some way be gained without risking the new plan altogether. Perhaps, he soon suggested, the needful nine States might accept, while the rest held off until the change was made. But the Massachusetts Convention proceedings gave him new light, and applauding the action of that State he wrote unhesitatingly in May to his friends that the true solution was to ratify and to propose amendments. "It will be more difficult," he argued, "if we lose

[1] 2 Jefferson's Works, 375.

ason, whose present bitterness did not quite con
spects with his conduct most of the time he
iladelphia, was yet sagacious and bold enough
Southern slaveholder, to prick the Constitution
nsitive part. He stirringly denounced the s
tion as one which had created more dangers
her. Neither he, however, nor John Tyler, who
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adlong rage, rather than chosen deliberately.
or man he appealed, to Southerners against No
Kentuckians against a government which migh
e Mississippi navigation, to those owing British
slaveholders, to all who valued personal liber
all have a king," he cries; "the army will s
narch." Even the terrors of a passing thu
re invoked in aid of his rhetoric. But though
ngs played and the roll of distant artillery w
bolts of his eloquence passed harmlessly by

conditions precedent or subsequent. By a majority of 10, the convention decided upon immediate ratification, accompanied by a long list of amendments. Common sense and the logic of events won finally the battle. But the Federalists in reality had overmatched their brilliant opponents on the floor; and of the calm, clear, and dispassionate reasoner who led the debate on the Federal side, one of his colleagues afterwards remarked that if eloquence includes persuasion by convincing, Madison was the most eloquent man he ever heard.[1] June 25.

But Virginia's action was too tardy in point of fact to make her in history the ninth ratifying State. For the New Hampshire Convention, reassembling after a long recess, took favorable action four days sooner and made the Constitution secure.[2] Hamilton hastened a special express to Richmond bearing these tidings, which probably reached the Virginia Convention just before the decisive vote was taken.[3]

The assurance that ten States had now acceded to the new Union, the last of whom was foremost in proposing it, made the coming anniversary of independence to the Federalists a day of unwonted jubilee. The Philadelphia spectacle of that 4th of July was the grandest celebration Americans had ever witnessed. Five thousand inhabitants, representing the different trades and pursuits, marched in civic procession, the line extending a mile and a half. Every trade was preceded by a stage on wheels, where the mimic business was carried on. The July 4.

[1] This was said by John Marshall; see 2 Rives's Madison, 612. See as to the Virginia proceedings, 3 Elliot's Debates. On the main question of ratification the Virginia Convention stood 89 to 79.

[2] New Hampshire ratified June 21st by 57 to 46; proposing amendments.

[3] The remarks of Harrison and Henry, June 25th, indicate that the news had just arrived. See Elliot's Debates, 628, 649. But the Virginia Convention was ready for the question on its merits; and the Anti-Federalists here had lost their cause, independently of New Hampshire's action.

New Era, Independence, the French Alliance, and other emblematic figures and groups appeared in costume. In one car, shaped like an eagle, and drawn by six horses, rode Chief Justice McKean with two of his judicial associates, bearing aloft a framed copy of the Constitution affixed to a liberty staff. Ten white horses were attached to another car, which was surmounted by a structure representing the Federal Union, supported on thirteen columns, only three of which were left unfinished. Ten vessels stood off in the river bedecked with flags and streamers, each displaying from the mast-head a white flag on which was emblazoned in golden letters the name of a ratifying State. In this un-European pageant the military bore but a secondary part; here the burgesses themselves made the prime figure, turning out to pay to a government of laws their spontaneous tribute.

If to many the occasion meant that the good ship "Federalist" had come into port, they took care that public applause should be pitched to no merely partisan key. But in Philadelphia, where the Constitution was immensely popular, citizens united more heartily than at most of the other large centres of this Union to welcome the new epoch. In New York city a similar trade procession was deferred out of regard for an uncertain State convention, so that the 4th passed much as usual. Albany Federalists opened the day of independence with a salute of ten guns; but the Anti-Federalists fired thirteen in return, and then marching to an open place, made a public bonfire of the new Constitution, casting into the flames with it a printed handbill which announced Virginia's accession; and the day ended with a political riot. Riders were galloping through the New England towns all day bearing the news from Richmond, which had reached New York on the 2d. Nine pillars had been set up on Boston Common independence morning and nine guns fired at sunrise. Late in the afternoon Bostonians received the glad intelligence that the Union now had its tenth pillar, and they gave themselves up to the wildest delight, turning out in the evening with lighted candles, and firing rockets while the bells rang a merry peal. But

so hostile were parties in Rhode Island that an Anti-Federal mob from the country broke into Providence on the fourth of July morning, and forced the authorities by dire threats to omit from the dinner programme their intended toast to the "Nine States."[1]

To the Anti-Federalists of New York the situation had become most desperate. Against wise counsellors like Hamilton, Jay, and Chancellor Livingston, Governor Clinton and his adjutants had held the State as in a vice, staking everything upon Virginia's co-operation, until pride and power threatened to fall away together. Hemmed in on two sides between States well buttressed, with only a narrow sea frontage at the apex formed by their lines, New York now exposed her vaunted commerce to ruin should she push an American Congress to extremities by remaining outside of the new Union. There was no safety left but to sound a retreat. When the New York Convention first assembled at Poughkeepsie, and it seemed as if no ninth ratifying State would come forward, two-thirds of its members were reckoned Anti-Federalists, and the best the friends of the Constitution could accomplish was to gain time and prevent a precipitate rejection. Governor Clinton, who presided, was a forcible speaker; nor were Lansing and Melancthon Smith foemen in argument for even the brilliant Hamilton to despise. But it was not weight of argument that carried this body so much as the failure of Anti-Federalism in New Hampshire and Virginia and a growing public sentiment throughout the country which could no longer be braved. One month behind Virginia, New York became the eleventh ratifying State by a bare majority. Numerous amendments to the Constitution were simultaneously proposed, the adoption of which the minority sought in vain to establish as a condition to ratification, with a reserved right to withdraw.[2]

June 17.

July 26.

[1] See Boston Chronicle, Centinel, and other papers of the day; Carey's Museum; 4 Hildreth's United States.

[2] On the test vote taken July 23d, the convention stood 31 to 29, the president recording his vote in the negative. The final vote, July 26th, stood 30 to 27, the president not voting. See 2 Elliot's Debates; also 2 Magazine Am. History, 389.

"Has a State convention the right to ratify with such a reservation?" asked Hamilton by a messenger of Madison, who was now sitting in the Continental Congress. "Such a ratification," was the substance of Madison's reply, "or any conditional ratification, in fact, would not make New York a member of the new Union."[1]

Here for the present the catalogue of ratifying States closes, Rhode Island and North Carolina still holding stubbornly back. A convention in the latter State adjourned in August after a fruitless session. Of all the States little Rhode Island was the most unpatriotic as concerned all plans of the time for a new Union, for she refused now to call a State convention with the same pertinacity that she had exhibited in refusing to send delegates to Philadelphia.[2] The disordered condition of the State finances, and the devotion of a ruling set to paper money, which they sought to force into circulation as a legal tender, may chiefly explain this unsisterly course, besides the inequality of her town representation. In North Carolina, too, inflationists held the balance of power. The first Federal President, therefore, was chosen, the first Federal Congress assembled, the first Federal courts were opened, the first Federal laws were promulgated, and the first Federal administration was fully organized before the old confederated thirteen were wholly reconstructed.

Aug. 2.

One disturbing influence was still left, however, to operate against the new government. The New York Convention had not adjourned without a mischievous resolve, which the Federalists suffered to pass unanimously, proposing to call a second plenary convention from all the States. No sooner, then, had the members dispersed than Governor Clinton prepared a circular letter accordingly, and sent it, as on the convention's behalf, to the other States. The Virginia legislature, in which Henry and his friends were still

[1] 6 Bancroft, final ed., 459.

[2] The recommendation of Congress to hold a State convention was here referred, not to the people, but to the several towns, a majority of which voted against holding any.

potent, at once laid hold of the insidious invitation, and this encouraged the Pennsylvania Anti-Federalists to show their strength once more. But the general response of the country to the New York circular was not what Anti-Federal leaders had hoped for. The continental decision had been irrevocably made; the people were surfeited with conventions; nor would a solitary ratifying State consent to be dragooned into a movement which promised nothing but to make the situation worse. Federalists and the moderate constitutional reformers joined in deprecating new conventions while the convenient door of amendment stood so invitingly open.[1]

Anti-Federalism now lay prostrate, crushed to the earth by its own desperate violence. Clinton could scarcely have saved himself from personal disaster in New York had a shrewder politician than Hamilton, whose star now rose in sight, been opposed to him. Neither Massachusetts, Connecticut, nor Pennsylvania would lend countenance to the Anti-Federal project of a second convention. Though a minority of followers remained, in short, there was none to guide. The last Anti-Federal leader left, who showed any vigor, was Patrick Henry; and even his potency proved fleeting.

Meantime, the requisite number of States having ratified, political leaders now turned from fundamental principles to the discussion of candidates. The Continental Congress in September set the first Wednesday of January, 1789, for the choice of Presidential electors, the first Wednesday of February for the electoral choice of a President and Vice-President of the United States, and the first Wednesday (which happened to be the 4th day) of March for inaugurating the new government.

Fortunately for America there was one man upon whom

[1] The utmost the Virginia Assembly could at length be prevailed upon to sanction was a resolve requesting the coming Constitutional Congress to call a convention. See 1 Hamilton's Works; 2 Rives's Madison; 1 Madison's Writings; 2 Jefferson's Works; 2 Elliot's Debates.

the country leaned for this new experience with equal confidence and safety. George Washington, of Virginia, by the voice of all the States was the chosen candidate for the Presidency without competitor. Neither Federalist nor Anti-Federalist could claim him as a party man beyond the assurance he had already given that he was on the Constitutional side; but the general expectation that America's preserver would be her first chief magistrate had melted down opposition everywhere; so that trusters and distrusters of the present experiment confided in his person alike.

It was over the Vice-Presidency that parties really contended; an office plainly of empty honor in itself, but thought to carry a valuable estate in expectancy. So far as locality might determine the choice, this would naturally fall to some citizen of Pennsylvania, New York, or Massachusetts. But Pennsylvania presented no candidate for the office, while New York had forfeited all claims upon it. Massachusetts held the prize, therefore, at her disposal. All her three greatest civilians were considered by the Federalists — John Hancock, Samuel Adams, and John Adams; but the last profited by the equivocal or rather reluctant part which the other two had played in State convention. Resigning the English mission and reaching home in good season to be lionized after a long absence, he soon found opportunity to decline a Massachusetts Senatorship and then to accept the more conspicuous post of Vice-President.

John Adams had a national reputation, and well deserved it, as the Atlas of Independence; and the names of Washington and Adams, linking the warrior and civilian of '76, were now eminently fit to conjure with. But the tough fibre of this burly, round-faced, bald-headed, and irascible man, who took the second honors, was little understood by the people, to whom Congressional debates had been a sealed book; and even the Hamilton set now accepted him upon slight personal acquaintance. A dull book, lately published, which bore his name, *A Defence of the American Constitutions*, had, it is true, been pronounced British in tone and tendency by southern Anti-Federalists; but not a few of Adams's personal supporters secretly thought this a recom-

mendation, while the complimentary title-page must needs have pleased that great majority of fellow-countrymen who would never read farther. Adams was indeed a sincere American, and, as a statesman, very learned, though somewhat of a dogmatist, frank in stating his opinions and very independent in forming them. His impressions of the new Constitution, formed abroad upon inspection of the document, were unique; he feared rather that aristocracy than monarchy would come of it; he would have had the President more independent of the Senate; and, so far from wishing rotation, he thought that if the President should be re-chosen for life, so much the better.[1] But Adams had taken no pains to make proselytes to these views. And his disgust with kings and the court circles of Europe differed only from that of his friend Jefferson's in being more the result of wounded vanity. Weary of his fruitless mission at London, where he and the country he represented were treated with freezing disdain, he was glad to turn his back upon "a species of slavery," as he termed it, of which more had fallen to his share than ever before to any son of liberty.[2] He welcomed this new Union and meant zealously to give it a hearty trial.

In one respect the Federal canvass was unfortunately managed, and an indelicacy in dealing with so high-strung a candidate for Vice-President engendered party dissensions among the Federalists which never healed. As the Constitution at this period provided, the electors in the several States were to ballot for two persons, without distinguishing which of them should be President and which Vice-President. He who had the highest number of electoral votes in the aggregate, if a majority, became President, while the second would be Vice-President as a matter of course. The Anti-Federalists had pushed George Clinton for the second office; and needlessly alarmed lest Washington should otherwise fail of the highest number, the Federal electors were persuaded at the last moment to scatter votes which would properly have gone for Adams. While Washington, there-

[1] 8 John Adams's Works, 1787.

[2] Ib., 1788.

fore, was brought in for President by the unanimous vote of 69, which he would probably have received in any event, John Adams, as Vice-President, received by reason of this manœuvre only 34, enough to elect him, but only a minority of the votes. Adams, who did not by consenting to run for the second place, rank himself inferior in merit to Washington himself, was deeply irritated by what he thought a breach of faith among his supporters; while Hamilton, the father of the inconsiderate scheme, gained only an enemy by it, though probably intending no mischief.[1]

This very first trial of the electoral plan showed that though these State colleges might act independently of the people, they were exposed to the yet greater danger of secret cabals among party leaders. In fact the machinery of this election, with all its simplicity of choice, was turned by a crank over which a few party Federalists presided. In most ratifying States the selection of electors devolved for the present not upon the voters but the legislature. But Virginia and Massachusetts gave the choice to the people on this occasion under a district system. The malignant elements in the legislature of New York so operated that the State cast no electoral votes at all; but the violence of the Clinton opposition sealed its doom. Already the better elements were combining to bring this State into its true satellite relation, aided by a resolve of the Continental Congress, which provided that in the metropolis of New York city the Federal government should be first located. By their own better temper, as well as by the superior justice of their cause, the Federalists of the Union easily ploughed their way to power.

1787-1789. The closing labors of the Continental Congress deserve a brief mention. With hardly vitality left for completing its brief routine work, the old Confederacy bequeathed the more burdensome concerns to its successor.

1788. Foreign relations had of late made little progress. Yielding, however, to loud clamors from the South-

[1] "I have seen the utmost delicacy used towards others," writes Adams bitterly to a friend, "but my feelings have never been regarded" 8 John Adams's Works, 1789.

west, Congress had stiffened in asserting for the United States a right to navigate the Mississippi; negotiations for a treaty with Spain being left to await the pleasure of the new government. One cause of Southern alarm against the new Constitution had been the readiness of Jay and northeastern delegates to barter our commerce on that river for an ocean reciprocity.

Internal affairs, except for the dishonor of Federal requisitions in nearly every State, had brightened since the Philadelphia Convention was held. The new State of Frankland fell to pieces after a year's organization. Two important territorial suits long pending before Congress were settled in 1787; one between Massachusetts and New York, touching their respective boundaries east of the Hudson, and some Indian claims; the other, of a similar nature, between Georgia and South Carolina. But by far the most momentous achievement of that year in the Continental Congress was the passage of an ordinance for securing freedom to the inhabitants of the territory northwest of the Ohio. This famous piece of legislation, consummated by the few delegates who had remained in session at New York, while their brethren were at Independence Hall, stands out as the last really brilliant achievement of a procrastinating, paralytic, dying assembly, which in the first immortal prime had rung its clarion across the seas.[1] 1787. July 13.

[1] See 3 Hildreth; 1 Madison's Writings; *post*, c. 2.

CHAPTER II.

FIRST ADMINISTRATION OF GEORGE WASHINGTON.

SECTION I.

PERIOD OF FIRST CONGRESS.

MARCH 4, 1789 — MARCH 3, 1791.

IN New York city, at two in the afternoon, one pleasant Thursday in April, a large concourse of people, assembled at the Battery and neighboring wharves, were gazing with strained eyes down the bay. Holiday tokens appeared on every hand. The vessels in the harbor, prominent among which were the ship North Carolina and a Spanish packet, the Galveston, lay at anchor, their colors dancing in the breeze. The American flag was displayed from the fort, from old Federal Hall (where now stands the United States custom-house), and from various State and municipal buildings. Stores and dwelling-houses along the line of Wall and Queen streets flaunted streamers, mottoes, and various patriotic emblems. The crowd was greatest near the foot of Wall Street; here humanity surged and scarcely a window was ungraced by feminine faces, sharing the general expression of happy expectation. The stairs at the landing-place of Murray's wharf had been carpeted, and the rails were hung with crimson. Between this wharf and Wall Street was a coffee-house, at which waited Governor Clinton and his military staff, with various other dignitaries. Militia companies, dragoons, and grenadiers, in bright uniform, with their bands of music, rested in easy negligence along the sidewalks, chatting with the multitude and waiting the order of attention. Shining carriages were drawn up next the wharf. Mounted aids clattered back and forth, bearing messages.

1789. April 23.

Presently a puff of smoke came from the Galveston, followed by a loud report. At the same instant, with her yards well manned, she ran up and displayed the colors of all nations. Thirteen guns mouthed a response from the Battery. And now could be seen rounding the Spanish packet seven barges, manned by crews dressed in white, the handsomest of them pulled by twelve master pilots, a thirteenth serving as the coxswain. Upon this barge, expressly built for the occasion, all eyes turned, seeking to distinguish the stateliest figure among a distinguished group in the stern-sheets. A prolonged shout went up as the water party made their way to Murray's wharf. Oars were tossed and let fall, the chief barge was made fast at the slip, and up the carpeted staircase, with his escort, mounted a tall, elderly man, of military bearing, dressed in a plain suit, with blue coat and buff waistcoat and breeches and looking healthy, but travel-worn. Amid the plaudit of the dense throng, now fully excited, Governor Clinton, with his suite and the civic officers, welcomed him at the landing-place. The artillery fired another salute. The bells broke out madly. Washington (for it was he who arrived after this fashion) entered a state carriage, followed by the governor. Chancellor Livingston, the adjutant-general and city recorder, Jay, Knox, Osgood, and the Congressional committee, who had now disembarked with the rest of the party which had been rowed over from Elizabethtown Point, took seats in other carriages provided them; as did likewise the French and Spanish ambassadors. A body-guard of grenadiers attended the President-elect. The military now shouldered arms and took up the line of march. Citizens, arm-in-arm, brought up the rear. In this manner did the procession wend its way up Wall and through Queen streets, to the house which the honored guest was to occupy.[1]

Thus propitiously did George Washington enter New

[1] See New York Daily Gazette; Boston Centinel; Griswold's Republican Court. This house, owned by Samuel Osgood, was at the corner of Cherry Street and Franklin Square.

York, our temporary capital, as the first President-elect of the United States. Receiving after the electoral count his official notification by the hand of the venerable and trusty Charles Thomson, long secretary of the Continental Congress, he had started from Mount Vernon a week before to enter upon his new official trust. All the way hither he had been publicly honored, though setting out as a plain citizen, in his private carriage. Through Philadelphia, under an escort of city troops, he rode upon a prancing white horse, a civic crown of laurel upon his head. A surprise, arranged for him at Trenton by its fair townspeople, touched him the most deeply of all tributes. Here, at the bridge spanning the Assunpink River, which, twelve years before, he had crossed and recrossed in those midnight marches which turned America's fortunes and his own, he found an arch, supported on thirteen pillars and twined with flowers, laurel, and evergreen. It bore the inscription, "The Defender of the Mothers will be the Protector of the Daughters." As he passed beneath it young girls, dressed in white, sang an ode of welcome and strewed flowers before him.[1]

Washington now remained a week at New York before the arrangements for his inauguration were concluded, meantime receiving the hospitalities of the city and its chief inhabitants.

April 30. The last day of the month was fixed by Congress for the public ceremonies of the first Presidential induction. Though the day opened with clouds, the sun broke out resplendent before noon. Early in the morning crowds of people might be seen pouring into town over King's bridge, some on foot, others in carriages; and many, besides, had already arrived from the neighboring States to witness the ceremonies. During the forenoon prayers were offered up in all the churches. At twelve o'clock Washington proceeded, with a military escort, from his house to Federal Hall, whose situation was at the

[1] New York Gazette; Griswold's Republican Court. Washington paid his grateful thanks to this "white-robed choir."

corner of Wall and Broad streets. Both houses of Congress were already assembled in the Senate chamber. Vice-President Adams, who had entered upon his official duties shortly before Washington's arrival in the city, now received the President-elect and conducted him to a chair at the upper end of the hall. After a few moments of silence, when all was ready, the assembled body and their invited guests went out upon the Senate balcony, the appointed place for our earliest inaugural ceremony. This balcony, which fronted on Broad Street, was most appropriate; facing, as it did, a large, open space, and being long and ample, with Tuscan pillars at intervals, and cornices decked to symbolize the thirteen States.

The scene was impressive. Below appeared a swaying crowd, whose upturned, eager faces were packed in solid mass. Not a window or roof in the neighborhood was unoccupied. A loud shout went up as Washington came to the front of the balcony; cocked hats waved in the air, handkerchiefs fluttered. Placing his hand on his heart, Washington bowed again and again, and then took his seat in an arm-chair, between two of the pillars, near a small table. His suit was a dark brown, of American manufacture; at his side he wore a dress sword; white silk stockings and shoes whose decoration consisted of plain silver buckles completed his attire. His hair, after the fashion of the day, was powdered and gathered in a bag behind, and his head remained uncovered. Though erect still in figure, with a face which flushed when he spoke, and of that indescribable bearing, kingly yet unkingly, which inspired the deepest veneration while repelling all familiarity, Washington showed some signs of approaching age. A new set of false teeth, rudely made, gave to the lower part of his face an unusual aspect.[1] To those who had long known him he seemed softening from the warrior into the sage. On one side of him stood Chancellor Livingston, whose stately figure was arrayed in full black; on the other side

[1] See 2 Magazine Am. History, 30, for a dissertation upon this curious topic.

the square-set Adams, dressed more showily than Washington, but likewise in clothes of American fabric. Distinguished men in and out of Congress — among the latter Hamilton, Knox, and Steuben — surrounded this conspicuous group. The chancellor came forward and gestured to the crowd. All was silent. Washington arose once more, and while Otis, the newly chosen secretary of the Senate, held an open Bible upon a rich crimson cushion, Chancellor Livingston administered the oath of office. The words were solemnly repeated by Washington, who said, audibly, "I swear," and then, with closed eyes and in a whispering voice, "so help me, God!" kissing the book as he concluded. Chancellor Livingston now turned again to the crowd, and, waving his hand, exclaimed loudly, "Long live George Washington, President of the United States!" Upon this signal a long, loud huzza rent the air, and cheer followed cheer. It seemed the welling up from thousands of hearts whose emotions could no longer be restrained. A flag was run up on a staff over the building, and the artillery guns at the Battery thundered the earliest of Presidential salutes.

Once more returning to the Senate chamber, the balcony audience took their seats and listened to the inaugural address, which Washington read to the assembled Congress from his manuscript. "It was a very touching scene," writes a member of the House, "and quite of the solemn kind. His aspect, grave almost to sadness; his modesty, actually shaking; his voice deep, a little tremulous, and so low as to call for close attention; added to the series of objects presented to the mind and overwhelming it, produced emotions of the most affecting kind upon the members."[1]

This address opened by an allusion (sincere, doubtless, as Washington's private letters show) to the anxiety and diffidence he had felt and the conflict of his own emotions between a desire of retirement in his declining years on the one hand and his disposition, on the other, to heed the

[1] 1 Fisher Ames's Works, 1789.

summons of Congress and the country. All he dared aver was his faithful study to collect his duty from a just appreciation of all the circumstances which might affect it; and all he dared hope was that, if grateful remembrance of the past or an affectionate sensibility of this transcendent proof of the confidence of his fellow-citizens had led him into error in accepting the trust, his country would not judge him unkindly. With this modest preface he expressed his wish to receive, as he had done while at the head of the army, a compensation which should merely defray his official expenses.

The leading theme of his discourse being personal, Washington touched but lightly upon measures of practical administration, deferring in this respect to the wisdom of Congress. But he threw out suggestions highly favorable to amending the Constitution in response to the general wish, and to pursuing in other respects such a course of popular conciliation as might knit the people of all the States into a harmonious union. For the prosperity of the new government he invoked once and again the favor of the Almighty Being, whose wisdom had thus far directed us.

After the conclusion of this address the grave assemblage proceeded on foot to St. Paul's chapel, on Broadway, where Bishop Provoost, who had been elected one of the chaplains of Congress, offered prayers; after which Washington's escort reconducted him to his house. This ended the ceremonials of our first inauguration: an inauguration to be distinguished from all later ones in respect of place, the date in the calendar year, the decidedly religious tone given to the exercises, and a minor feature or two which reminded some of a foreign coronation. Considering, however, the man and the occasion, nothing seemed out of tune with the popular expression. There were fireworks and illuminations in the evening. Multitudes sauntered down Broadway towards Bowling Green, to see the transparencies; one of which, by way of allegory, displayed Washington as Fortitude, with the two houses of Congress, as Justice and Wisdom, on either side; while another, in front

of the theatre in John Street, represented Fame descending from heaven and crowning her favorite son.[1]

It would have been well to let the inaugural exercises expire that night with the flame of the last rocket, but Congress would not so permit. Adopting a parliamentary custom still honored in several of the States, each house of Congress now proceeded to frame a formal reply to the inaugural address, and when it was ready the President was waited upon by two bodies in turn, the Speaker presenting the address of the House and the Vice-President that of the Senate. This called for two rejoinders from the President. The House ceremonial took place in a room adjoining the Representatives' chamber; but the Senate insisted upon marching in a body to the President's house, setting an example which the House followed the next winter, after the opening message had been delivered. And thus was instituted the practice, regularly kept up in the two houses of Congress until Jefferson's administration, of spending the early days of every session in deliberating upon the language of a composition to be borne through the streets in solemn procession and presented in form to a Chief Magistrate who, perchance, had first read it in the newspaper, and certainly could have little response to make. To Madison, if not to other members with a turn for composition, it sometimes fell to help frame both Presidential message and response; and the country has lost nothing in dignity by abandoning in later years this small culling among felicitous phrases to make up a Congressional tribute expressive of the maximum of praise with the minimum of promise.[2]

May 7, 18.

After these prolonged ceremonies had ended, Congress attacked in earnest the public business, of which it had already broken the crust. Certainly the Aurora of this new epoch proved a tardy riser. March 4th was ushered in with cannon and the ringing of bells,

March.

[1] New York Gazette; 4 Irving's Washington; Griswold's Republican Court.

[2] Annals of Congress; Benton's Abridgment; 3 Rives's Madison.

but days passed and weeks before a quorum of either house could be procured. Federal Hall, a building not without architectural pretensions for the times, which had been remodelled and newly fitted up by private subscription for the use of Congress, still echoed to the sound of the workman's hammer. For formality's sake the old Congress continued its sessions in the mean time, so that, as one of the mortified expectants wrote, it seemed doubtful whether the old government were dead or the new one alive.[1] This lethargy, which might have been thought inherited, had various explanations. Many delegates, of course, had long distances to come; the season, too, always unfavorable for stages and coasting vessels, had this year been marked by a long stress of very bad weather; and finally, in some Congressional districts the elections were held so late and contested so closely that the membership of the House was far from being complete at the time set for assembling. April 1. At length, however, with a bare quorum of thirty members, the House proceeded to organize; Frederick A. Muhlenberg, of Pennsylvania, was chosen speaker, and John Beckley, of Virginia, clerk. Nearly a week later April 6. the Senate quorum was made up, and for the first time in our history the constitutional Congress of two houses held session; but more than a month had elapsed since the date fixed by law.

Passing down Wall Street from the corner of Broadway on a sunny forenoon in May, let us cross the open space at the intersection of Broad Street, and, glancing first at the prim spire of a neighboring church, enter the plain doorway underneath the pillared balcony of Federal Hall. This is a long building, surmounted by an ugly cupola, and was once the City Hall. Vamped up, rechristened, shining resplendent with new paint, and surmounted by the eagle and Federal insignia, it reminds a New Yorker of one of his own city troop, lately paraded, whose familiar, shopman's face tried to scowl like Alexander through a bright and showy uniform. The stars and stripes fly from the apex of the

[1] 1 Fisher Ames's Works, 1789.

roof, just above the balcony. Groups of grave, substantial-looking men have passed in before us, attired in the fashionable small-clothes, with leather breeches, their heads adorned with wigs and three-cornered hats.

Into the Senate chamber we cannot enter. The sessions of this body are held behind closed doors, and will so continue long after Federal Hall has ceased to hold an American Congress. But if we waited outside until adjournment we might count, among some twenty who come down the stairs, four signers at least of the Declaration of Independence — Robert Morris, George Read, Richard Henry Lee who introduced the famous resolves, and the rich Roman Catholic, Charles Carroll, of Carrollton, last among the survivors of all that band. We should also see Ellsworth, of Connecticut, one of the convention of 1787, in later life an envoy and the chief justice; John Langdon, the first president *pro tempore* of the Senate; Caleb Strong, of Massachusetts; Paterson, of New Jersey, and Pierce Butler, of South Carolina. The New York Senators, not yet chosen, will be General Schuyler and Rufus King; the latter recently from Massachusetts, and, as a statesman of the future, destined to be the most famous, on the whole, of this body. For the long, greyhound-like Virginian, who, after various vicissitudes, distanced all of these first compeers in the Senate in reputation, and enjoyed the distinction of the most universally popular of Presidents after the first, James Monroe, will not belong to this Congress until he comes at a later session to fill a vacancy caused by death.

To the House gallery the doorkeeper admits us; and we gaze upon that legislative branch which for the present engrosses all the popular attention. Looking first towards the Speaker's chair we recall a touching episode of the Revolution. Three brothers, born in Pennsylvania, were sent to Germany to complete their education, and all were trained to the Christian ministry. The eldest, Peter Muhlenberg, took orders in the Church of England; the next, Frederick, was ordained to the Lutheran ministry; and each returned to America to assume his pastoral charge. The war broke out. Peter left his pulpit to raise a Virginia regi-

ment; declaring in his farewell sermon, "There is a time for all things — a time to preach and a time to fight; and now is the time to fight." Frederick, remaining a clergyman a few years longer, came into the Continental Congress; and afterwards served his native State, presiding over the Pennsylvania Convention which ratified the Constitution. Both brothers are before us, civilians and public men. But it is Frederick, now a portly, prosperous man of business, who takes precedence; he is Speaker of the House.

Madison, now on his feet, is the administration leader in the House; his integrity, talents, and long experience, besides his intimate relations with the President, easily gaining him that distinction. His bold push in the late canvass awakened something like enthusiasm for him, though Madison is by no means of magnetic temperament. His service to the Federal cause in Virginia cost him the seat in the Senate he would have preferred; and Patrick Henry, besides procuring Anti-Federal Senators to represent the State, tried to defeat Madison for the House by a piece of legislation which attached to the Orange district a number of Anti-Federal towns. The popular Monroe, of opposite politics, was then run against Madison, but the latter won by a handsome majority.[1]

Among others experienced in council here assembled are Elbridge Gerry, Roger Sherman, and George Clymer, all signers of the Declaration; though the first alone has a prominent political future. A hollow-faced man, with intellectual face and an eye of unnatural brightness, is Fisher Ames, of the Boston district, the most brilliant beyond doubt of the new men in the House; he won his political spurs in the Massachusetts Convention; one of the most graceful writers of the day, a sound lawyer, and in his highest flights an orator of astonishing eloquence, upon him disease has laid a blighting hand. Socially fastidious, with a timid distrust of the people, which a robust experience might have

[1] In this exciting canvass between two future Presidents, Madison and Monroe stumped the district together, holding joint discussions. 2 Rives's Madison.

overcome, Ames will settle at last into a political hypochondriac. Another marked debater among the newer members is William Smith, of the Charleston district, South Carolina; a rhetorician however more than a legislator. His right to a seat, challenged on the ground of a long residence in England, has just terminated favorably by a vote lacking only one of unanimity. Among other notables are Jonathan Trumbull, of Connecticut; Theodore Sedgwick, of Massachusetts; Elias Boudinot, the philanthropist, of New Jersey; Thomas Fitzsimons, a Pennsylvania merchant; Abraham Baldwin, of Georgia, a useful citizen, of Connecticut antecedents; Sumter, of South Carolina, a famous soldier but modest politician. Scott, of Western Pennsylvania, is the backwoods member; and the most eccentric is the mercurial James Jackson, of Georgia.

Upon the whole this first Congress is not made up of Titans or demigods, but in the main of sound, experienced, sagacious men, who well know how to despatch business and gain what their constituents desire. Even now, out of the 59 members who compose the House, at least a dozen more were as well worth naming on the score of usefulness as most of those we have mentioned. The times have been unfavorable to the choice of decided partisans, and, in the Senate especially, dignified mediocrity rules. Of those who lately marshalled the forces, Federal or Anti-Federal, there is scarcely one man in Congress to represent the sharply divided States except Madison. Hamilton is not here, nor Jay, nor Wilson, nor any of the South Carolina Pinckneys, though some leaders perhaps have declined honors of the present sort which were within their reach.

Necessarily the Anti-Federalists have suffered most in this ebb of party spirit. Samuel Adams was distanced in the Boston district by Ames, and finds his solace under Hancock in the ornamental State office of lieutenant-governor. Gerry was lucky in having his speech repressed at the Massachusetts Convention; and having a Continental repute as a financier and much popularity as the soldiers' friend, he saved himself from defeat by a close vote after two trials, but not without openly espousing the Union cause. In New

York George Clinton's immense influence keeps him this spring in the governor's chair, but his party has sunk and the legislature reverts to the Federalists. Luther Martin and Chase have left politics. In Virginia Patrick Henry's influence is chiefly obstructive. The Shays district in Massachusetts supplies to the House a forlorn specimen of New England Anti-Federalism; there are Anti-Federalist senators from Virginia, and in the House a few of the same stripe from New York, Virginia, and South Carolina. But scarcely one of these is prominent or a pronounced partisan; not Richard Henry Lee himself could long resist the superb influence of the first President. In spite of a tincture of State prejudice, the general tone of Congress is unmistakably, therefore, for giving the new experiment genuine support and a fair trial.

The manner of choosing these earliest representatives greatly varied, the discretion of each State determining the rule. In New Hampshire, New Jersey, Pennsylvania, and Georgia the election was upon a general ticket; a method favorable to party discipline and the choice of eminent men. Other States preferred the district system, which shades public sentiment more closely and gratifies the village leaders. Connecticut for many years pursued a unique method; voters were first assembled to nominate a list of candidates, which consisted of three times the number of representatives to be chosen, and from this list at the regular election the State delegation was returned. Most Southern States made a plurality of votes elect. But New England clung long to the majority rule, which caused vexatious repetitions where the contest for a seat in Congress was a close one. State offices, as well as Federal, were exposed at this era to the intrigues of a legislative assembly, empowered to select among the candidates where there had been no choice by the people.[1]

[1] The gradual supersedure of the majority rule in the United States by the plan of permitting a plurality of votes to determine once and for all the popular choice is the result in many States of a painful experience. A trace of the old dangerous method remains, however,

April 6. After performing hastily their constitutional functions with regard to the electoral count, on the late day the Senate quorum was made up and Congress had a legal existence, — functions merely routine on this occasion, since the electoral results were so well known,[1] — and arranging that Washington and Adams should be promptly notified of their elevation to offices which it was virtual anarchy to leave longer unfilled, the two Houses had at once entered upon the important business of the session. In the House the first tariff measure was well advanced in discussion when interrupted by the inaugural ceremonies.

How admirably this Congress was adapted for practical work the highly important legislation of the first session well evinced. The chief object was to supply the machinery needful for operating the new constitutional government; and between the 1st of June and the last of September twenty-seven acts and five joint resolutions were approved, many of which contained provisions since permanently established in our Federal system. Let us examine this legislation somewhat in detail, summarizing briefly the course of debate.

(1.) The first subject was Impost and Navigation. When Congress assembled the Federal treasury was empty. Upon

in the Constitution of the United States, which still gives the choice of President after a peculiar arrangement to the House of Representatives — and that a House long before elected and quite likely to be out of accord with the sentiment of the country — in case no candidate receives a majority of the electoral votes. Should our Constitution ever be amended in respect of Presidential elections, plurality of choice, whether by electors or the people, appears a desirable change. For, as State experience well demonstrates, there is economy, and liberty stands more securely, if the candidate comes in who stands highest by the primary vote than where any secondary body is permitted to exercise discretion afterwards.

[1] Each House at this electoral count, as ever afterwards, appointed its own tellers; but it was not surprising if, as to the etiquette in some other respects, the Representatives yielded more to the superior pretensions of the Senate than they ever did again when arrangements were deliberately made for the ceremony. See Tables, Appendix.

the new House devolved the constitutional right and duty of originating revenue bills; and in this branch, April 8. without waiting for a President to be inducted, Madison brought forward a resolve upon which arose the first of American tariff debates.

Two great sources for supplying the treasury were now available under the Constitution: customs duties and excise, the latter derivable from subdivided goods and merchandise, the former from goods and merchandise in the gross or as cargoes. Espionage and a multiplicity of officials, not to speak of State rights and jealousies, were objections to a Federal excise; while, on the other hand, the levy of customs duties made part of that commercial system which the people of the States had now exclusively confided to the Union, and it involved neither a burdensome, unpopular, nor very costly method of collection. No duties could, as the Constitution provided, be laid upon exports; but from import duties alone a handsome revenue might constantly accrue.

Madison's plan preferred therefore a customs revenue. Its basis was the Continental proposition of 1783, which all but one State had so lately sanctioned. Upon enumerated articles, chiefly of the sort styled luxuries, such as wines, spirits, tea, coffee, molasses, and sugar, a specific duty was to be set; while all other imports should pay an *ad valorem* tax. Introducing his resolve in committee of the whole, Madison reminded his fellow-members of the impotency of the Congress now superseded, and urged that the Union, in its first act, should revive those principles of honor and honesty that had too long lain dormant. To meet the notorious deficiencies in the treasury there should, he argued, be a national revenue; but this under a system which, securing the object of revenue, would not prove oppressive to constituents.

These general sentiments found manifest favor; nor did the House disincline to base its first revenue act upon the proposition of 1873; though in the absence of anything like full and trustworthy statistics, some preferred a uniform *ad valorem* to begin with, while all now inclined to

regard the present measure as merely temporary. But as the debate progressed it appeared that representatives were fast learning the wishes of constituents, and thus informed they saw quickly how to press them. The first House debates on a Federal tariff served to bring out fairly most of the arguments that have ever done service since. For the real difficulty in securing a good revenue act has always lain less in determining broad principles, than in applying those principles to existing conditions of trade, so as to favor the whole nation against the rest of the world, and not yield too much to local interests.

Revenue was the main object, but the act as finally passed had mild protective features. In the course of discussion the growing industries of the several States passed in fair review; and though the language of members was temperate for the most part, and conciliating, agricultural and manufacturing interests clashed considerably. Massachusetts and Pennsylvania, most of all, whose citizens made various small wares, wished protective duties for them, and their able representatives managed to get the bill shaped accordingly. None of the tariff rates were placed immoderately high; yet the theoretical right of protecting home industries incidentally by Federal legislation, so far from being doubted, found express recognition in the language of the preamble.[1]

The tax on distilled spirits gave rise to a lively debate. Distillers in the Boston and Salem districts wanted a high duty on Jamaica rum, but a low one on the imported molasses which they used in its native manufacture. But the friends of temperance in Congress would have discouraged rum-selling altogether; and these found singular allies from frontier districts, whose constituents were engaged in making whiskey and peach brandy, products which only an excise act could seriously injure. On this prosaic theme Ames launched out in his maiden speech; and with his Salem colleague, Goodhue, carried the point for rum dis-

[1] Act July 4th, 1789, c. 2; 1 U. S. Statutes at Large; Annals of Congress; Benton's Abridgment.

tillers on the merits of molasses as a staple diet, needful to the poor, of which Massachusetts imported more than all the other States together. The partial success thus gained in the House was enlarged through the operation of Senate amendments. On imported spirits generally and wines — the latter being altogether foreign at this period — the House was disposed to lay higher duties than the Senate. Malt and hops of native growth and the product of American breweries found common favor.

As for manufactures of iron, members from Eastern Pennsylvania and New England joined for mutual advantage. For nails, at this time a household manufacture in New England, engaging farmers' families through the long winter evenings, a protective duty was obtained; steel, too, already a rising industry in Pennsylvania, found favoring attention; at the same time agricultural members complained of the burden thus laid upon farmers and house-builders. Paper, leather manufactures, wool and cotton cards, all were scaled on the list so as to give America the preference; this in compliance with petitions for one industry and another which kept coming in. A proposition to tax imported salt at last brought agricultural members to their feet, protesting that a necessary of life for people and cattle ought not to be taxed. The salt protectionists carried their point, but the policy of such a tax gave rise to many angry debates on the floor of Congress in after years.

A discussion on cordage elicited the inquiry, Why not tax imported hemp as well? The new idea of protecting American staples struck those favorably who had found the manufacturers carrying everything, and at length a Senate amendment classed hemp and cotton together as two products of our soil not yet firmly established, but well worth fostering. The tariff bill, as enacted, placed, in fact, a specific duty on all hemp and cotton imported after December 1st, 1790. Cotton, whose profitable culture, under the stimulus of mechanical inventions, has prodigiously influenced American politics, was now only beginning to attract attention. South Carolina and Georgia exported it in trifling quantities; but, though raised experimentally at the South

almost as early as the Mayflower reached Cape Cod, and found to grow better on American soil than in the Asiatic countries which then supplied the world, it had hitherto been reckoned lightly as a plantation product in comparison with tobacco, rice, or even indigo. For hemp culture, extravagant hopes were at this era entertained, as New England was ambitious of commerce and ship-building; yet to this day American hemp has never risen to the rank of a staple. Coal was placed in the list of enumerated articles, and at the instance of a Virginia delegate; for Virginia at this time was the coal-producing State; and the bituminous yield of her mines was thought sufficient for the wants of the whole country.

Our first tariff act, in fine, accommodated as far as possible the industries of contending sections. Members of this Congress, like many of their successors, pressed favorble claims with so little tenacity for abstract principle that the same man who had argued for high duties on what his constituency was ambitious of supplying might have been seen voting for low duties on an article which that same constituency would need to purchase. No one advocated free trade; nor, on the other hand, could a bill which, excepting one undeniable luxury for the rich, ranged its *ad valorems* from five to twelve and one-half per cent., and rated specific duties in a like moderate proportion, be styled a high tariff measure. Much needless time was wasted in discussing how long a tariff act ought to remain in force; for, though impressed by the disadvantages both of brief and extensive terms in such legislation, Congress proceeded to fix deliberately a period of something like seven years, scarce twelve months actually elapsed before there was a new statute, which largely modified the original scale of duties, mainly with the view of obtaining a more productive revenue.[1]

Tonnage, a branch of revenue intimately connected with customs duties, was the subject of a separate act. The taxa-

[1] Act July 4th, 1789, c. 2; Annals of Congress; Act August 10th, 1790, c. 39.

tion of sailing vessels by their capacity comprised a resource long familiar to Great Britain and her colonies, of which Congress was not indisposed to avail itself, nor, in doing so, to neglect making such a sliding scale of rates as should give the preference to American bottoms. A fair discrimination was made between native and foreign ships; and for the encouragement of a few enterprising merchants of Salem, New York, and Philadelphia, who had embarked in the East India and China trade, the tariff act made, likewise, a marked distinction in favor of tea importation by vessels built or owned in the United States.

But when it came to discriminating among foreign nations, in favor of those who were in treaty alliance with the United States, an angry division appeared. Whether it were through jealousy or disdain, or to take revenge upon her successful rebels, Great Britain still pursued the exasperating policy of gaining all she could while yielding nothing. France, Prussia, Sweden, and Holland, on the other hand, had treaties with the United States on the basis of commercial reciprocity. Wishing to put into national practice a rule which Virginia, Maryland, and Pennsylvania had separately asserted in the nerveless days of the Confederacy, Madison now urged that the new government start by giving all such allied nations the preference. In favor of such a course it was argued that this was simply enforcing regulations we had a right to make; that public sentiment and the ties of gratitude sanctioned discrimination; that no nation being singled out by name, none could assert just cause of offence; and that by such a policy we should strengthen the ties already formed abroad, and make those feel who had hitherto held back the advantage of coming to mutual terms and seeking our friendship. These views, which the Pennsylvania representatives and Baldwin forcibly seconded, were strongly opposed from the New England quarter, New York, and Charleston. Such a policy, so Ames, Lawrence, and Smith asserted, was a direct affront to Great Britain, and sure to irritate without injuring her. Great Britain had not so discriminated against us, but pursued her own course towards the world; she was too pow-

erful a nation for the United States to provoke with impunity; nor were we bound by gratitude to favor any other nation to such an extent. The House inclining, however, to Madison's experiment, whatever the consequences, applied treaty discrimination to the tonnage by a sweeping majority. But those colleagues who voiced the sentiment of shipping merchants, themselves British in inclination, and aided by a powerful British lobby whose headquarters were New York city, now addressed their efforts to the secret branch of Congress as less susceptible to popular impressions. When the customs and tonnage bills came back from the Senate with amendments, it appeared that the treaty discrimination feature had been struck out. The House refused indignantly to pass the bills in this shorn condition; committees of conference were appointed; but the bills finally passed as thus amended on an understanding that the Senate would take up tonnage discrimination as a separate measure. Washington signed the first tonnage bill in that expectation. Nothing was done in the Senate, however, beyond the appointment of a smothering committee. At the next session, when the new tonnage bill was remodelled, Madison carried treaty discrimination through the House; but once again the Senate thwarted him.[1] The division on this principle, though not in itself a fair test of foreign predilections, demonstrated fairly the existence of a powerful British faction among us and the seat of its strength.

1790.

Other acts which passed at this first session provided for methods of collection, light-houses, and the regulation of the foreign and coasting trade. The sea-coast was divided into suitable collection districts, having ports of entry which should likewise serve as ports of delivery; at each port was to be a custom-house, in charge of United States officials; duties were receivable in gold and silver coin only, though

[1] See Annals of Congress, 1789, 1790; 1 Fisher Ames's Works, 45; Act July 20th, 1789, c. 3. Washington, in 1789, favored treaty discrimination. He would not have vetoed the tonnage bill, however, but suffered it at the most to become a law without his signature. 3 Rives's Madison, 27; 9 Washington's Writings, March, 1790.

in the chaos of monetary affairs a temporary standard was fixed at which foreign coins should be accepted; one-half of all fines, forfeitures, and penalties recovered was to go to the government, the other moiety to officers and informers as a reward; and the chief local officers of customs were to be a collector, naval officer, and surveyor. In these and in other leading respects our customs revenue system received a permanent impression at the first session of Congress, the collection act itself being, however, superseded the next year by one framed upon Treasury recommendations. This first foreign and coasting trade act, too, required vessels of the one class to register, and of the other to procure clearances.[1]

In fundamental principle our impost and navigation laws have undergone surprisingly little change since the first Congress legislated on the subject; less, perhaps, than might be desirable.

(2.) As to Executive Departments, the new Constitution had wisely confided all methods of organization to the liberal discretion of Congress, with little more than a bare recognition that departments were to exist. A rough outline of administrative division aided Congress in its first legislation on this subject; for its Continental predecessor had already delegated a partial authority to certain bureaus where papers were filed and the details of official correspondence attended to. There was a bureau of foreign affairs and a bureau of war, each with its secretary; moreover, a treasury board, under commissioners. To these might be added that useful functionary who alone had survived royalty, the postmaster-general. To reorganize so as to lift bureaus to the rank of distinct executive departments and to equip them thoroughly for their constitutional functions was now the chief problem.

Here, again, the House took the initiative. Boudinot, a man of much routine experience under the old Confederacy, was the first to introduce the subject, May 19.

[1] Acts July 31st, 1789, c. 5; August 7th, 1789, c. 9; September 1st, 1789, c. 11.

by moving for the establishment of a treasury department to manage the finances of the United States. But the sense of the House indicating a desire to first determine how many departments in all should be established, that issue took precedence. It was determined after debate that there should be three: those of Foreign Affairs, Treasury, and War, each with a secretary at the head; and committees were directed to bring in bills accordingly. Vining, of Delaware, sixty years in advance of the times, proposed adding a fourth for the regulation of interior affairs, to be styled the Home Department; but this was thought inexpedient. State jealousy operated naturally against both the multiplication of Federal offices, and the tendency to concentrate influence in single individuals; nor was the substitution of a secretary of the Treasury for such a board as had lately managed the Continental finances carried through the House without a sharp dispute as to which had proved the better plan under the old practice.[1]

The new Executive Departments were constituted under separate acts. The act which established that of Foreign Affairs was the first to receive the President's signature; but the discussion over Vining's plan having meanwhile impressed Congress with the conviction that this department ought to have a broader scope than the name or Confederate usage had indicated, a new bill was passed towards the close of the session, substituting what was termed the Department of State. To its secretary was given, besides the diplomatic supervision, duties under the new Constitution more purely domestic, such as keeping the great seal, and preserving and promulgating the laws of each session.[2] Next followed the Department of War, whose chief officer was to take the books and papers of the Continental secretary and to perform corresponding functions. No vessel of the little Federal navy now remain-

[1] Annals of Congress, May 19th–21st, July 23d, 1789.

[2] Acts of July 27th, 1789, c. 4; September 15th, 1789, c. 14; U. S. Statutes at Large.

ing, the nominal management of warlike operations, whether by sea or land, devolved for the next nine years upon the Secretary of War, as the style of his office literally imported.[1]

To reorganize the third department, that of the Treasury, was by far the most difficult task. Besides the preliminary inquiry already adverted to, it was needful to provide not only for transferring the management of the Continental finances and Revolutionary debt, at present in great confusion, but likewise for superadding new and momentous functions, like those of disbursing money and paying debts, of collecting and applying the revenue, and of superintending the vast affairs of ocean commerce. Upon the act as framed and passed after much deliberation, the Treasury Department has based its operations ever since. Dread of the one-man power at the nation's purse-strings was shown, not indeed in diffusing executive responsibility and marring the symmetry of the new department system, but by creating subordinate checks and counter-checks to the secretary's abuse of power. There was an auditor to examine and transmit the public accounts and vouchers, a comptroller to review and pass upon them, a treasurer, furnishing security to be the actual custodian and disburser of the public moneys, and a register who should keep the accounts and record all warrants. An assistant secretary was added, whom alone among these high officials of the department the Secretary might personally appoint. The official duties of the Secretary of the Treasury were, under such restraints, to have the general management of his department concerns, and more particularly to digest and prepare plans of revenue and public credit, draw up estimates, supervise the collection of taxes, decide upon the forms of keeping accounts, and make his regular reports to Congress. By way of outer bulwark to the Treasury, Congress made it a penal offence for any one appointed to this department to be concerned in trade or commerce, to own vessels, purchase public

[1] Act August 7th, 1789, c. 7.

property, or transact other business.[1] All this cautious but not unwholesome regulation has borne fruit. The Treasury of the United States has for a whole century been administered without one serious defalcation, though disbursing over seven billions of the public money. Its vast concerns have generally been handled with scrupulous fidelity and skill, notwithstanding the evils entailed by a complicated system of bookkeeping. And yet no later Morris, no prosperous merchant or financier, no official wealthy enough to help government through a strait by his private credit has presided there; but its responsible management has devolved almost continuously upon men of small incomes, bred either to politics or the legal profession.[2]

For the present the postoffice was maintained upon its old footing. It was far into the nineteenth century before the Postmaster-General ranked with secretaries as a constitutional adviser of the President; and chiefly then in recognition of an immense official patronage which political parties had come to look upon as their own; for the government postal business, however extensive, has always been of a strictly routine character.[3]

In connection with the Executive Departments an animated controversy arose in Congress over the constitutional right of removing subordinate officers. The final decision of both Houses favored the independence of the Chief Magistrate in this respect; but it took the casting vote of the Vice-President, a friend of executive rights, to bring the Senate to yield the point. The department bills were framed accordingly, and that broad principle remained unshaken for three-quarters of a century, the Senate's concurrence being required only in appointments.[4]

[1] This constraint upon Treasury officials appears to have originated in our Continental Congress of 1784, upon Robert Morris's retirement from office. Many felt that his management of the finances had redounded more to his private benefit than to that of the Union. 6 Bancroft, final ed., 123.

[2] Act September 2d, 1789, c. 12.

[3] Act September 22d, 1789, c. 10.

[4] Annals of Congress, 1789. Recall the temporary re-opening of this

(3.) Regarding the Judiciary, this portion of the session's work occasioned but little dispute. The bill which organized for the first time a Federal judiciary originated in the Senate and was shaped to a considerable extent by the dispassionate Ellsworth. As finally approved, a Supreme Court of the United States was established by the act, to consist of a chief justice and five associates. The lesser jurisdiction of the Union was parcelled in the first instance among district judges, the country being divided up into Federal districts, whose limits coincided so far as might be with those of the several States; these districts were grouped into circuits, consisting for the present of three, the eastern, middle, and southern. But as Federal business would be very light, since the State courts still dealt most intimately with individual concerns, no circuit judgeships were created, but the circuit sessions were to be held by a court composed of local district judges, over which a justice of the Supreme Court should preside. Such was the composition of our Federal judiciary for about eighty years, except for a brief interpolation of special circuit judges in 1801; the number of supreme and district judges and the boundaries of circuits and districts varying from time to time. Clerks, marshals, and district attorneys were part of the judicial machinery from the first.

Concerning Federal process and the jurisdiction, original and appellate, of the Federal courts, this and a second act of the same session well sketched out the essentials. District courts were to take both civil and criminal jurisdiction, having original cognizance of admiralty among other matters. Some of the present legislators seemed disposed to confer part of the jurisdiction upon State courts, but Congress concluded wisely that the United States government should control its own judiciary. No squander upon costly public buildings was attempted, but Federal prisoners were to be lodged, if permitted, in the jails and prisons of the respective States.

question during the exciting period of 1866–70, which followed the civil war.

This first judiciary act created the office of the Attorney-General of the United States, a personage destined at no brief interval to be prominent in the administration because the legal adviser of the executive. But here Congress evidently meant to establish a professional rather than a political functionary; one learned in the law, to be intrusted as general counsel of the United States with the management of its interest in suits pending before the Supreme Court. His salary was small as compared with that of a secretary, nor were onerous administrative duties exacted. For a long period, in fact, the Attorney-General was permitted to reside where he chose, and he commonly availed himself of his official station to increase his private clientage. The first district attorneys had no salaries at all, but were compensated by fees.[1]

(4.) Territorial legislation received a like prompt attention. No element has been more potent in moulding the character and destinies of the American Union than its acquisition, at various periods, of immense regions at the westward containing the germs of new States. A propagating process, so to speak, applied to the settlement of these regions, has distinguished the policy of the United States from that of all other nations, ancient or modern. It was no new thing for distinct political communities to ally, confederate, or even consolidate. Colonies have been planted in various ages, ancient colonization being more purely municipal than the modern; but the colony has either been politically independent of the parent city or state, or else dependent in a sense which excludes the idea of equal consideration. Of this latter class were the American colonies while their allegiance lasted. Our country, favored by its local situation for experiments of the kind, sets the first notable example of a political community which constantly extends the bonds of equal fellowship by rearing new States on new soil, whose children shall in time partake of the ancient birthright — all of them sons, citizens alike, none Ishmaels or inferiors.

[1] Acts September 24th, 1789, c. 20; September 29th, 1789, c. 21; joint resolution, September 23d, 1789.

That was a solemn trust, then, by virtue of which the American Union had, in the course of events, already come into possession of the great Mississippi Valley. And the free action of the new constitutional government, in respect of this trust, was now found fettered in these two respects: States had not quit-claimed their own territorial rights except conditionally; and as to a general territorial policy the delegate Congress of our Confederacy had taken the initiative.

A continental resolve of 1780 is the corner-stone of our common territorial system. This declares that the demesne or territorial lands "shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence as the other States." The Union was to be, then, not only perpetual, but capable of indefinite expansion, at all events within its recognized limits of area. It was in 1784, and shortly after Virginia, by her deed of cession, had set the example of ceding all territorial claims to the unsettled west for the benefit of the whole Union, that a committee of Congress, with Jefferson as chairman, prepared a plan which Congress adopted in the main, for the temporary government of the whole wilderness of the Mississippi basin to the eastern bank of that great river, our remotest barrier. In that plan one traces the first lines of the method upon which the sublime experiment of State propagation has since proceeded — at so early a date almost a usurpation by the Confederacy, but sanctioned and fully provided for in our ampler constitution of 1787.[1]

1780. Oct. 10.

Congress now prepared to take up the regulation of the territories, as constitutional successors in a trust conditional in terms and partially administered. In the old States represented, the tenure of land had been derived from the British Crown under Colonial charters. Such States or original Colonies, one might fairly claim, first leagued like

[1] Journals of Congress, 1780, 1784; Schouler's Thomas Jefferson.

sovereign republics, and then, through popular conventions, entered into a closer union. But such a theory could only fit the old thirteen Atlantic States, extending perhaps to others like Vermont, Maine, and Western Virginia, which in later years were taken from their loins, and possibly to Kentucky, Virginia's child, whose early settlement antedates Federal jurisdiction over the Territories. Of all other States, present or prospective, the United States of America is sovereign and parent. The soil came to her by gift, purchase, or conquest, most of it as a wilderness. Her patent confers the primary title; or, it may be, her due confirmation of private grants from the foreign power which first conceded the land.

In 1789 the territorial possessions of the Union were bounded by the Mississippi River on the west, and subdivided by the Ohio into a northern and southern portion. They have since extended to the Pacific Ocean, so as to comprehend the western portion of the Mississippi basin, together with Spanish Florida, Texas, and Northern Mexico, and what was but lately the Russian Alaska: an area from which, in less than a century, enough States with appropriate population have already been carved to control both branches of Congress against the old thirteen, and under legal forms administer the nation exclusively should they so agree. But the division line has never run in that direction, and new States vie on the contrary with the old in patriotic affection for the common country.

Such being the tenure, how has the Federal government maintained its fundamental jurisdiction of the soil and trained up its territorial offspring in political allegiance? First, in execution of its solemn trust, by erecting territorial governments, defining their boundaries, and, under Federal officers, keeping the early settlements well in hand and popular rights protected until there are loyal inhabitants sufficiently numerous to call a convention, draft a State constitution republican in form, and apply to Congress for full admission. Next, by a revision of this draft in the Federal legislature and of the documents of application, making sure that the population suffices and that the

constitution is satisfactory, and insisting, moreover, as a prerequisite of full admission that the State and its inhabitants shall assent to certain fundamental and irrevocable terms.[1] Finally, upon assurance that all conditions are fulfilled, by admitting the State and its inhabitants to full representation in Congress, and recognizing the new community as an equal and inseparable member of the Union, a new star in the shining constellation. Among the irrevocable conditions usually imposed upon such States as part of their admission compact are these: That the State shall never interfere with the primary disposal of its soil by the United States; that it shall not tax lands still owned by the United States, nor discriminate by assessment against non-resident owners; that to citizens of the United States its navigable waters shall be a common highway and forever free. On its own part the United States has made in return liberal grants out of the public land for educational and other desirable purposes.

Such briefly is the only colonization which the American system knows. And in no small degree must the initiation of so wise and comprehensive a policy be ascribed to our Revolutionary ancestors; operating through the States which separately relinquished territorial claims for the common benefit. The Ordinance of 1787 in particular deserves to rank among immortal parchments, both for what it accomplished and what it inspired. Nor would it be wild hyperbole to opine that save for the adoption and unflinching execution of that ordinance by Congress in early times, the American Union would ere to-day have found a grave. Its application was to what at the time comprised the whole Northwestern territory, or to that domain, south of the great lakes, and forked by the Mississippi and Ohio rivers, which the thriving States of Ohio, Indiana, Illinois, Michigan, and Wisconsin now occupy. But its most memorable provisions related to human rights: ordaining relig-

[1] In some of the States admitted earliest, these fundamental conditions are first recognized in deeds of State cession and of territorial organization.

ious freedom perpetually, offering security to person and property, making equal distribution among the heirs of an intestate, encouraging learning, inculcating good faith in dealing with the Indians; and, above all, it dedicated the soil to freedom forever. The best fervor of Virginia, the chief ceding State, had approved all, even to the anti-slavery section. Reported in July, 1787, from a committee of which Nathan Dane, of Massachusetts, was chairman, the ordinance passed the Continental Congress by the unanimous consent of the States represented.[1]

July 13.

The Ordinance of 1787 opened the gates to Northwestern colonization. New England emigrants who had hitherto been working in the direction of Canada and New York, now set their faces to the far West. General Rufus Putnam, at the head of a colony from Massachusetts, founded in 1788 the first settlement in the Northwest territory at the confluence of the Muskingum and Ohio rivers, giving it the name of Marietta, in honor of the Queen of France; and a stockade fort was promptly commenced for protection against the hostile Indians. Columbia, near the mouth of the Little Miami, was founded the same year; soon after which Fort Washington was built on the present site of Cincinnati. This emigration was fostered by land companies and individual capitalists, chiefly of New England and New Jersey, who, soon after the passage of the ordinance, purchased Ohio tracts by the million acres, upon the basis of government surveys pre-

1787–1789.

[1] See 1 Madison's Papers; 3 Hildreth; Journals of Continental Congress, 1784, 1785, 1787, p. 83 *supra*. This ordinance mainly embodied the provisions of a report Jefferson had made in Congress on behalf of Virginia three years earlier. Massachusetts took an honorable part in securing the passage of this famous anti-slavery proviso; but honor is likewise due to Virginia, whose general sentiment, when brought fairly to the test, heartily approved the new experiment. Jefferson's anti-slavery proviso had failed, however, in 1784, through the defection of all but two of the Southern delegates. Rufus King and Nathan Dane were largely instrumental in procuring eventually in 1787 an ordinance for freedom which as first proposed by Jefferson would have extended to all common territory of the Union, north or south of the Mississippi, after the year 1800.

viously made. During 1788 and 1789 full 20,000 men, women, and children, by estimate, went down the Ohio in boats to become settlers on its banks.[1]

Congress at this first session approved the liberal policy of its predecessor by passing an act in full confirmation of the Ordinance of 1787. Among other stipulations was one that out of the Northwest territory should be hereafter formed not less than three nor more than five States; which States, as the act further declared, should forever remain a part of the United States. This was the only present territorial legislation of consequence; for, while weightier matters pressed, provision for the general survey, sale, and settlement of the public territories was postponed.[2]

(5.) Changes in the Federal Constitution made another topic of this session. Pursuant to pledges of the Federal leaders in so many State Conventions, and in compliance with the general voice, Madison called up early the subject of proposing new amendments to the States. Already had his colleague Bland laid before the House the Virginia resolutions which proposed a new general convention. In ample season for discussion and final action before the autumn adjournment, Madison's committee presented for consideration a selection of the most desirable amendments emanating from the ratifying States. May-July.

These State propositions were very numerous, about eighty in all; but many were identical in substance if not expression. Some related to constitutional details, which, unobjectionable perhaps, or even admirable for the time being, were on the whole better left to the more flexible will of Congress. Others involved issues purely local or transitory. As to certain of them, such as the New York and Virginia requirement of a two-thirds vote of Congress for leading measures,[3] the Philadelphia Convention had

[1] 3 and 4 Hildreth's United States; Lossing's War of 1812; 1 Madison's Papers; various local works. Putnam's party landed April 7th, 1788. A few Moravian missionary settlements in the Ohio country were the first ones of earlier date, being in 1761.

[2] Act August 7th, 1789, c. 8.

[3] Yet the New York proposition that war should never be declared

once compromised differences of opinion not without difficulty. There appeared no proposition touching upon the slave trade, direct taxes, or the equal suffrage of States in the Senate; but, in point of fact, these clauses were nailed into the Constitution with a clinch that seemed to make amendment impossible.[1] The changes most widely called for could on the whole be made without sacrificing anything which a dispassionate judgment would have pronounced vital to the success of the present scheme. They simply placed the Federal Union under bonds, as it were, for good behavior.

In the course of the session seventeen of these proposed amendments received the requisite two-thirds vote of the House for submission to the State legislatures; the Senate two-thirds vote reduced by compression the number to twelve. The chief purport of these amendments was to annex to the Constitution a more specific bill of rights. Freedom of religion, of speech, and of the press were thereby secured; the right of petition; the private right to bear arms; immunity from unreasonable search or seizure, the quartering of soldiers in private houses, the taking of private property without just compensation, and arbitrary arrest. The right of trial by jury was more positively asserted than before, and excessive bail, excessive fines, and excessive imprisonment were forbidden. Finally, there was express reservation made to the States respectively, "or to the people," of powers not delegated to the United States nor prohibited to the States by the Constitution, — a sop to State sovereignty more diluted than Anti-Federalists had wished. Amendments like these were worth accepting. Many of them had already been incorporated into the fundamental instruments of the several States. They rendered the Constitution its own expounder. Nor were the rights themselves so sacred in the eye of sovereign authority that our good citizens did not remember what

by Congress, except by a two-thirds vote, might have been well worth considering.

[1] See U. S. Constitution, Article V., two final clauses.

it was to be despoiled of them. It would now be clearer that powers were withheld which the people never meant to grant. Even a good maxim, inscribed above the judgment-seat, may prevent many a bloody crime.

That these harmonizing amendments were needful as an assurance of public faith, and the means of strengthening public confidence in the new government, appeared not only from Washington's inaugural utterances, but in the prompt action of the States themselves. Out of the twelve amendments which Congress presently submitted, ten by State ratification became part of our fundamental law before 1791; only the two of the least importance failing.[1] But here Federalism made its first palpable error. Not a few overconfident leaders in the New England and New York quarter inclined to hold unconditional possession of the citadel they had so easily gained; secretly wishing that the first new ramparts erected might rather be for walling popular influence out than in, and blind both to their party pledges and the strength of the public sentiment which now asked an honest fulfilment. While the propositions were pending in Congress they tried to thwart and to delay action. Change, they argued, ought not to come before experience. "The proposed amendments," writes Ames sneeringly to a friend, while confessing his partiality for a true aristocracy, "will stimulate the country's stomach as little as hasty pudding."[2] Livermore, in debate, used language quite as contemptuous. The recollection of this foolhardy and useless opposition long rankled in the public mind; and here was manifested that obliquity of political vision in talented chieftains which marked the Federalist party for division and early ruin.[3]

[1] Of the two amendments which failed of complete ratification, one fixed the ratio of representation in the House, and the other forbade that any law varying the compensation of Senators and Representatives should take effect until a new election of Representatives had intervened. Matters like these, it was concluded, might fairly be left to the discretion of legislators acting each under a sense of responsibility.

[2] 1 Fisher Ames's Works, 1789.

[3] See 1 U. S. Statutes at Large, 97; Annals of Congress.

(6.) As to salaries and appropriations at this session, in the first general appropriation act for defraying the year's Federal expenses, $216,000 were assigned for the civil list, $137,000 for the War Department, and $96,000 for invalid pensions; besides $190,000 to pay unsatisfied warrants which had been issued by the late treasury board. In some recent years of peace three hundred times the respective amounts would not have maintained the civil establishment, kept up the army and navy, or paid the pensioners of the United States for the same length of time. No general provision was yet made for the public debt; an exhaustive search into the present condition of the Treasury being the preliminary essential.[1] Salaries, too, were graded with economy. That of the Chief Justice was only $4000 per annum, and heads of departments received even less. It was not without murmuring that Congress consented to fix the yearly compensation of the Vice-President as high as $5000; and this was done chiefly because of the dignity attached to the office, which the incumbent had set out to maintain by launching into expenditures rather profuse for one of his private means; for as concerned the actual duties, to no one did they appear more contemptible than to Adams himself. But Washington's inaugural suggestion did not prevent Congress from placing the Presidential establishment upon an extremely liberal footing. As a rich incumbent of the highest office, Washington made his own rule good by entertaining in a style which exhausted his $25,000 a year in the public service.[2]

[1] Acts of August 20th, 1789, c. 10; September 29th, 1789, c. 23.

[2] Acts of September 11th, 1789, c. 13; September 23d, 1789, c. 18; September 24th, 1789, c. 19; Annals of Congress. The first change ever made in the Presidential salary, and which affected General Grant's second term of office, in 1873, was to double the Presidential allowance to $50,000. Salaried officers have, however, been attached to the President's household, and the mansion refurnished, as additional means of defraying the executive expenses. The Constitution itself operates strongly against the practicability of frequent variations in the Presidential compensation. Constitution U. S., Article II., § 1, 7.

For members of Congress it was agreed that a *per diem* of $6 should be allowed to each Senator and Representative, with mileage according to the distance one travelled in reaching the seat of government. Double pay was granted to the Speaker of the House, an official whose dignity corresponded in a certain sense with that of the Vice-President.[1]

Such were the leading measures of the new Congress at its first session. Other important topics were discussed but not acted upon, to which allusion will be made hereafter.

Before the members disperse to their several homes, it may be worth while to dwell for a few moments upon the etiquette which marked this first coalition of distinct assemblies to act as one Congress. More than once at the first session a clash of authority was perceptible, a division of sentiment over the limits of their respective functions. But for the secrecy of the Senate debates this would have been at once plainly revealed to the country. Senators, as representing States in their integrity and selected for long terms, at once arrogated superiority. This was indicated the very day a quorum assembled by the manner they invited the House to attend the electoral count; and more positive symptoms of an imperious disposition presently appeared. It was the House, the popular and more numerous branch, less resembling the old single Congress than the Senate, that felt the first disadvantage of such an encounter; but its dignity was quickly asserted, and the popular impulse from without soon carried it buoyantly alongside, in the assertion of a co-equal importance.

The Senate, for example, proposed sending bills to the House by a secretary, while House bills should be brought up by two Representatives. But this mark of deference the House declined to bestow, and in the end each body was left to send messages by persons of its own choice. Again, in fixing the compensation of Congress, the Senators claimed higher pay for themselves than for the Representatives, because, to be frank, they esteemed their dignity the

[1] Act September 22d, 1789, c. 17.

greater. To this point they adhered with such pertinacity that, sooner than suffer the compensation bill to fail altogether, the House permitted the insertion of a clause which promised Senators a *per diem* of $7 after the 4th of March, 1795. The concession, however, had more shadow than substance, for before that date the House was too strongly intrenched to permit that a co-ordinate branch in most particulars should vaunt itself as an upper House.

The Senate, too, inclined more to ceremonials than the House. Upon Washington's arrival at New York, Congress was found disputing over his official title; which was one cause for delaying the inauguration. Postponing the discussion, however, as was then needful, the two Houses resumed it as soon as the induction exercises were over; the special question being how to frame proper replies to the inaugural address. The Senate proposed the title of "His Highness, the President of the United States of America and Protector of their Liberties," but the House would have only that simple one of the Constitution, "President of the United States of America." The Senate was stubborn, and conference produced no agreement. So the House, having framed a reply after its own taste, presented it to the President; after which checkmate, the Senate had next to follow with an address similarly couched or else appear ridiculous.[1]

Titles were at the time rife in most of the older States, where, naturally enough, royal etiquette had left impressive trace. It was not surprising, then, to find leading newspapers taking sides with the Senate, and pressing for new official epithets under this national system with silly arguments and sillier anecdotes.[2] Long association had persuaded men that government could not walk except on stilts. And yet that it is the antiquation of primitive manners, not the new introduction of something foreign, which chiefly ennobles these little affairs of ceremonial, they may allow who con-

[1] Annals of Congress, May 5th–14th, 1789.

[2] See the story about the landlady's mistake, who was asked quarters for the President, and thought the president of a certain college was intended. Boston Centinel, November, 1789.

sider how many emblems of state which posterity reverences had a quaint and even prosaic origin. If the axe in the bundle of rods, the woolsack, the garter, become illustrious tokens through association, not less in time may the three-cornered hat, the speaker's gavel, and the mansion painted white; and when these fail of popular respect reverence vanishes altogether. Washington was still paraded as "His Highness" in certain prints, but the infection did not take with the people. Events in Europe brought even royal epithets into unusual contempt, and the saying went through the land that titles were a contrivance to catch fools with. Writing from Paris, where the strange spectacle was beheld of a king saluting the populace from a balcony, wearing the fraternal cockade, Jefferson exulted over this downfall of titles in the American Congress, adding his too sanguine hope that the terms of Excellency, Honor, Worship, and Esquire would forever disappear likewise.[1]

Under a Chief Magistrate so ripe in experience, so sound, temperate, and conscientious as Washington the nation started auspiciously on its new career. For some weeks after his inauguration there was little for the President to do at New York beyond giving and receiving hospitalities; so he employed his leisure in studying from the archives the situation of the public business. Having requested those who continued in temporary charge of the departments of Continental administration to report in writing upon the existing situation, he studied these reports carefully. At certain hours of the day he would pore over the foreign correspondence subsequent to 1783, and with pen in hand take down notes and make abstracts after his customary method.

While the bills which created the new offices of the Union were pending before Congress, Washington matured the rules which should guide him in selecting persons to fill them. It was clear that, whatever their first misgiving,

[1] Jefferson's Works, August 9th, 1789; 1 Madison's Writings, May-August, 1789.

most men of wide merit who had inclined to the anti-constitutional side were now ready to lend his administration their hearty support; besides those who had lately borne the burden of establishing the new government. With such abundant material to choose from, he determined to draw round him the great characters of the country with little regard to the contrasting shades of political opinion. He was not averse to widening the field of selection if his administration would thereby gain in the affections of the people and the respect of mankind. Of party services as such, and of rewards for party work, he determined to know nothing. Personal devotion to himself called for personal, not public, remuneration; and indeed the compass of his personal following at this moment was scarcely less than unanimous America. None crowded round to offer advice or to solicit office; for in making appointments, as also in regulating his executive course, Washington consulted as he saw fit, and consulted wisely; usually, indeed, in the form of a letter, so as to elicit written and thoughtful replies. Whoever might be intimate in the President's household, Washington's tender of office came from the man himself. Three qualifications he believed essential for the highest civil offices: integrity, capacity, and conspicuousness, the last scarcely less than the other two. Unknown characters he did not wish for exalted stations. "I want men," he would say, "already of marked eminence before the country; not only as the more likely to be serviceable, but because the public will more readily trust them." Sectional claims too he did not disregard; for, to his thinking, executive administration, as in the legislative and judiciary departments, required to be largely representative in character, in order to pervade well the whole Union. With these cardinal precepts for his guidance and method, it followed that the office pursued the man more closely during the administration of the first President than as yet under any of his successors; far more, in fact, than would be possible in an age where party councils predominate or the people's candidate has to be worked out by processes less simple than the spontaneous will of the

people themselves. Nor, perhaps, has it happened on the other hand that in so great a proportion of the higher national appointments, men of distinction and diverse views have had the opportunity of declining an office delicately and unexpectedly tendered.

The first tender of office under the Federal administration was made to John Jay, of New York, a tried patriot and a man of honor after Washington's own pattern. Jay chose the Chief Justiceship in preference to remaining as before at the head of Foreign Affairs; and though but briefly adorning what was at that day the most splendid sinecure position in the gift of the President, of him it has been fittingly said, that when the ermine fell upon the shoulders of John Jay it rested upon one as pure and spotless as itself.

General Henry Knox, of Massachusetts, was continued in charge of the War Department, a post with whose routine duties he was quite familiar. A Boston bookseller, with only militia experience at the outbreak of the war, Knox had risen to the command of the patriot artillery in the course of the Revolution, and at its close ranked among the first major-generals. To statesmanship he could lay little claim, but as a soldier and administrator he had eminent qualifications, which were well set off by a commanding figure, inclining to fleshiness, a sonorous voice, and an imposing manner. Over one hand, whose fingers had been mutilated, not in bloody war, but while on a duck-shooting trip, he wore a black silk handkerchief, which he used to wind and unwind while in animated conversation. His tastes, like his ruddy, open face, showed the familiar type of the well-fed Briton. There could be no question of Knox's fitness for the routine of his present post, nor was there a more honest, manly, generous officer in the public service; yet there was a bit of inflation about him, such as familiars, encouraged by his good-humor, might be tempted to probe after with a pin; and, like some of his own guns, his range was not quite equal to his calibre.[1]

[1] See Drake's Memoir of Knox; Sullivan's Familiar Letters.

It was the Treasury Department whose proper administration most required a man of brains. Nor did Washington judge unfitly of capacity when he passed by all of the old board and called his young favorite, Alexander Hamilton, of New York, to unravel the tangled skein of Continental finances. This hero's prodigious energy of character was well appreciated, and likewise the unrequited service he had lately rendered the Union cause in his own State.

All these three were Northern men of reputed centralizing tendencies. But for the two high stations which remained at his disposal Washington fixed upon public characters of a different cast; Southerners, friends of State rights, persons whose appointment would conciliate the more reluctant wing of constitutional supporters. Representative men of this type were best found in his own State, and accordingly he summoned Thomas Jefferson and Edmund Randolph, of Virginia. Governor Randolph, whose wavering course as a supporter of the Constitution we have already marked, was appointed Attorney-General, a post for which, as a man of elegant manners and an accomplished lawyer, he was not ill adapted, though his want of compass and rudder made him an unsafe ferryman for any political party to trust far from the shore. But Jefferson's name and influence were abiding; and wishing to gain them Washington had Madison feel the way first, and then pressed the Department of the State upon Jefferson by personal letter so earnestly, and withal so gracefully, that refusal must have been ungrateful. Our minister to France had already sought a leave of absence from abroad sufficient for arranging his private affairs, and obtaining it had sailed for Virginia. It was upon his arrival, not long after Congress arose, that he found himself already appointed and confirmed as Secretary of State. Undecided at first, and for the time indifferent to public station, unless it were to return to France, he finally accepted the office, and setting out for New York in midwinter relieved Jay of its temporary charge.

Though three great States thus absorbed the chief offices of the new union, Washington made his lesser appoint-

ments upon the same rule of conspicuous merit. For associate justices of the Supreme Court were selected William Cushing, of Massachusetts, the chief justice of that State; James Wilson, the foremost among Federalists in Pennsylvania; Robert H. Harrison, chief justice of Maryland; John Blair, a Virginia judge, one of the only three men of his delegation at Philadelphia who had signed the Federal Constitution; and the South Carolinian of Stamp Act renown, John Rutledge. Harrison having declined the honor, in preferring to be chancellor of Maryland, Washington, at a later date and after the accession of North Carolina, appointed one of the chief lawyers in the latter State, James Iredell, in his stead. It was the spring of 1790 before the Supreme Court was fully organized, a grave tribunal composed of a succession of learned men holding office nominally by a life tenure, whose familiar, strongly marked countenances, as year after year they sat behind a long table, arrayed in scarlet or black silk robes, hearing arguments and holding annual terms at the seat of government while Congress was in session, furnished the spectacle of permanent dignity in the midst of political surge, like some tall promontory in the sea. But the conserving influence of the third department of government was not at once felt; and under Washington's administration judicial business was slack in the Federal courts and important vacancies often occurred.[1]

Samuel Osgood, of Massachusetts, a man of experience, lately at the head of the Treasury board, was appointed Postmaster-General. Local distinction in the legal profession was carefully regarded by the President in filling the district judgeships. But when selecting marshals and custom officers Washington showed much favor to gallant Revolutionary comrades, some of whom were now in straitened circumstances. No foreign appointments were yet made, for haste in our European relations was unnecessary.

[1] The Judiciary Act of 1789 prescribed semiannual terms for the Supreme Court; but for better convenience the change was soon after made which dispensed with a summer session.

With respect to his official advisers, Washington inclined at first to pursue the strict letter of the Constitution, which, conceding it proper to take official opinions, fetters the Chief Magistrate by no board of executive counsellors. His habit of mind led him to take advice and weigh it, deciding upon his own course of action; and he would consult at discretion the Vice-President, the Chief Justice, or some legislative leader like Madison, and not the executive heads alone. Routine matters he referred with military precision to the Secretary concerned. For under the American system as distinguished from the British there is no gently coercive council known as a ministry, but each department is independent of the other, subject to the President's direction, while none of them need bend to the dictation of Congress. But presently consulting his heads of departments and Attorney-General as his more immediate advisers, Washington worked into the convenient practice, after the war between France and England broke out, of assembling them for an oral consultation; whence the origin of what we later term a cabinet and cabinet meetings. Harmony of action and expedition upon affairs of great public moment were reasons doubtless for this latter step; but in his first council of four, selected from such diverse material, dissension and rupture resulted. As Jefferson used to say, he and Hamilton were pitted against one another like two cocks; and Randolph siding more naturally with the one and Knox with the other, the President had often to choose a course of action which half his advisers had openly disapproved.

No precisian or martinet, Washington was punctilious in the smallest matters of etiquette. He had precedents to establish as the earliest chief executive, and long intercourse with mankind in exalted station had taught him the importance of rendering to each his due in official intercourse, though it were only by a bow, a smile, or a well-chosen word or two; which with him was not diplomacy, but a matter of honor and good breeding. One so reticent by nature must otherwise have constantly offended those who strove to deserve well. Soon after his inauguration he

formally consulted Adams, Jay, Hamilton, and Madison in writing upon various points of official behavior. Should he adopt a line of conduct which would keep him from mixed company on the one hand, and from total seclusion on the other? What should be the days and hours for receiving visits of compliment and what for business? Where should he draw the line in entertaining company? To these questions, gravely propounded, only the replies of Adams and Hamilton are preserved, both of whom were for a more imposing ceremonial than the public taste would warrant. Hamilton would have given special official access to Senators in preference to Representatives. Adams was for a liberal provision of chamberlains, aides-de-camp, secretaries, and masters of ceremonies; compelling private individuals who desired an audience to apply first to a minister of state.[1] In some minor respects their suggestions were followed, and Washington determined to drop those indiscriminate dinners to persons of both sexes which the presidents of Congress had been in the habit of giving, thereby slighting some and cheapening hospitality to all, and to confine attentions of that kind to a small number at a time, with a preference for official characters.

New York was at this time a bustling little city, with a population which numbered about 30,000 souls and was rapidly increasing. By far the greater part of its inhabitants did business, fed, and slept between the site of the present City Hall and the Battery. The best society centred in the neighborhood of Wall and Broad streets. There were elegant country seats up Broadway and at Richmond Hill, where the Vice-President took up his abode in a picturesque mansion, embowered among fine oaks and forest trees, and commanding an extensive landscape, with glimpses of the Hudson in the distance. Washington's first place of residence, where Cherry Street corners upon Franklin Square, was considered too far up town for convenience and beyond the fashionable quarters; and he presently moved to a spacious house in Broadway near Bowling Green, Congress

[1] Writings of Washington, Adams, Hamilton, May, 1789.

providing and furnishing the Presidential headquarters according to law. There was more richness of style among New Yorkers than either Philadelphia or Boston could boast. The sombreness of the Quaker City, America's chief metropolis, was absent, nor did houses huddle upon such narrow and crooked streets as made Boston a Daedalian town to all new-comers. The buildings in New York were chiefly of brick smartened by fresh coats of paint. Strangers thought the inhabitants deficient in good breeding, and complained that they did not cultivate agreeable conversation, but talked loud and very fast, paying no attention to one another.[1] Yet at this thriving centre there was a highly polished society, which the Clintons, Jays, Schuylers, and Livingstons led with grace and refinement, entertaining their transient guests of the nation with generous hospitality.

The style maintained by President Washington was rich and elegant: ostentatious, perhaps, as regarded his equipage, for he had the Virginian's taste for fine horses and the best of a Virginian's means for gratifying it. The State carriage, with its body of hemispherical shape, cream-colored, and tricked out with dainty devices of little Cupids supporting festoons, was the town wonder; especially on State occasions, when it was drawn by six blood-horses, four being the usual number. The pomp of this turn-out was enhanced by footmen and outriders in livery. Yet in public, as in private, Washington refrained from lavish outlay; scrutinizing each expenditure carefully, and managing his household with exact economy, so as not to exceed his stated income, a habit in which he differed greatly from most other Southern planters in public life. The earliest social institution at the President's mansion was the levee, a species of starched assembly upon which men passed differing comments. Some have insisted that Washington was persuaded to adopt it, and by a parade set who were bent upon winding up executive ceremonials to the utmost; but Washington's own explanation is, that he found some-

[1] See John Adams's Diary, 1789.

thing of the kind necessary, because on his first arrival he became so overrun by people wishing to see him for mere ceremony that he had no time left for business.[1] Levees were held every Tuesday afternoon from 3 to 4. A polar atmosphere surrounded them; and particularly the first, where, as the story goes, a high-stepping colonel, who acted as master of the ceremonies, threw open the door, and strutted forward to announce the President of the United States so much after the manner of a flapping cock that Washington was quite disconcerted for the moment and reproved him severely after the guests had departed.[2] Washington's levees were usually conducted after this fashion: The guests assembled before three o'clock in the large parlor or dining-room prepared for them, and, standing, awaited the President. Precisely on the hour the door of the anteroom opened and Washington appeared, accompanied usually by his secretaries or other high officials. His usual dress on these occasions consisted of a suit of black velvet, a pearl-colored waistcoat, knee and shoe buckles of silver, dark silk stockings, and yellow gloves; upon his left side he wore a dress sword, a cocked hat was under his arm, his hair was powdered. Thus attired, he would walk solemnly about the room, and being introduced to each of the company in turn, exchange a few words of brief conversation and then pass on. The agony of dislocation to which his later successors submit he seldom risked. After the first formalities there was a brief thaw, and the company had opportunity to gather about him in a ring or to indulge in social intercourse with one another. In conversation Washington appeared unaffected, and talked more as a wide observer of affairs than a man of books; but he allowed no familiarity and simply bowed his salutations. At the close of the hour his retirement to his anteroom was an accepted signal that the parade was dismissed.

[1] 10 Washington's Writings, 1789.

[2] See Jefferson's Anas. Jefferson takes the story at second-hand, and records it with a disposition to ridicule levees altogether.

The President's wife, setting out from Mount Vernon several weeks later than her husband, received distinguished marks of honor on her way to New York, and upon her arrival, the lighter frivolities of our first republican court began. A Virginia belle in youth, and her husband's constant companion at army headquarters, she well adorned even in our most fashionable cities the pre-eminent rank accorded her; and no jealous democracy has ever deprived her of that singular title, "Lady Washington," which fashion hastened to confer. At her Friday evening entertainments were to be seen all the beauty, talent, and social distinction the little capital could bring together. Witty Abigail Adams, the Vice-President's wife; the delicate-featured Mrs. Jay; one of Jefferson's two daughters, a lustrous beauty; Secretary Knox and his wife, a corpulent pair moving like a yoke of oxen, but social favorites and most kind and hospitable; members of Congress; all the head dignitaries of city, State, and nation; the French, Spanish, and Dutch ministers, who constituted for the present the sole diplomatic corps; an elegant throng of belles with hair dressed high on their heads, rustling in gowns of satin and taffeta, and accosted by beaux bepowdered and decked out as brilliantly as beetles. Those were occasions when even the Father of his Country would unbend, and carry on a cheerful banter with the ladies, the liveliest of whom were not a little ambitious of the rare distinction of making the great man smile.

With such hospitalities for society at large, Washington set certain hours of the day for giving audience to callers on business. In general, the line of conduct he sought to adopt was such as might best combine the public advantage with his private convenience. Invitations were sent out for Presidential entertainments, and while promiscuous company was avoided on the one hand, neither on the other would he mimic the seclusion of a monarch. His private life he regulated to please himself; about nine in the evening he commonly retired to his private apartment, and Sundays were set apart for rest and religious devotions. In special instances the President accepted social invitations.

Thus during the present spring he attended a ball at the French minister's, a diplomatic affair. He was also present at one arranged by the managers of the city assemblies in honor of his inauguration, on which latter occasion he danced in a cotillion and minuet. At this inauguration ball, given before the President's wife had arrived, fans imported expressly from Paris were distributed to the company, each having a medallion likeness of Washington; a circumstance trivial enough, yet like other marks of obeisance shown at social parties which were graced by his presence, savoring of homage to the man rather than the office, it attracted unfavorable comment from anxious observers.[1]

Such was the course of the President's official life while the government tarried at New York. But the first season's festivities closed long before Congress adjourned, for Washington became alarmingly ill with anthrax early in July, so that a chain had to be extended across the street to prevent carriages from passing his door.[2] In the course of this sickness, from which he rallied but slowly, he suffered bereavement in the loss of his aged mother.

Partly to recuperate his strength, but more still in pursuance of a definite plan he had formed of making recess tours through the States in order to knit the new union more closely and to acquaint himself better with the wishes and present condition of his fellow-citizens, Washington set out in the mid-autumn of 1789 upon a journey through the Eastern States, avoiding Rhode Island. His route lay through the central portion of Connecticut, and thence over the Worcester turnpike to Boston, where he remained for a week, and afterwards proceeded as far north as Portsmouth by way of Lynn and Salem. Returning to Hartford by a middle route he remained there several days to rest, and finally reached New York once more in abun-

Oct. 15–Nov. 13.

[1] See 10 Washington's Writings (1789); 5 Irving's Washington; Griswold's Republican Court.

[2] N. Y. Gazette.

dant season to prepare for the reassembling of Congress. Popular enthusiasm was full and spontaneous wherever he went. There were cheering crowds, cavalcades, processions, State and civic feasts all the way. Salem gave a ball, Portsmouth a harbor excursion; at Hartford he went over the manufactories, and at Cambridge saw the great elm under which he first drew sword to take command of the patriot army. Old Boston, which had not seen him since he delivered the town from British occupation, poured out its hospitalities, and upon his arrival a trade procession with banners appeared, its ranks opening from Roxbury line to the old State House. Washington returned from such ovations in renewed health, highly pleased with his tour, and astonished both at the marvellous growth of commerce and manufactures in New England and at the general contentment of its inhabitants with the new government.[1]

1790. Rhode Island's accession furnished reason for visiting that State at the following recess, and after the final adjournment of the first Congress Washington took

1791. correspondingly a three months' tour of the Southern States. This fondness for varying sedentary work by extensive journeys has always been characteristic of military rulers habituated to the saddle; and the first of American Presidents found ample opportunity of gratifying his personal wishes in this respect, since the public business during the legislative intermission was so slight that it could suffer little by his absence. There were public demonstrations on the road even when he made his excursions of lesser note between Mount Vernon, where he was fond of passing the recess upon his farm, and our temporary Federal capital at New York or Philadelphia.

All this courtly etiquette and costly demonstration, however, invoked comment and fostered the germination of new political parties. Those out of power and influence are always hard to please. But even of such as were content with the lot of private citizen a large fraction had in this

[1] 10 Washington's Writings; Griswold's Republican Court; 5 Irving's Washington; Boston Centinel.

instance conceded the Federal enlargement reluctantly. Virginians, the personal friends of Washington, betrayed sensitiveness at once to a sort of divinity which, according to exaggerated report, had now begun to hedge him in. To a jealous democracy the levee, the semi-military processions, various marks of deference shown the President and his wife as though they were members of some royal family, seemed symptoms of a disposition among suspected men of high station to introduce lineal aristocracy into America and a chief magistracy for life. Many, doubtless, of those who helped swell the universal shout cherished such misgivings, though Governor Clinton and plain Samuel Adams had themselves in official character played conspicuous parts at such pageants.

One must admit that the venerating applause at this period of "the man who united all hearts" had a modicum of foolish adulation. The tributes paid him in his day were quite often dictated by bad prosers and worse poets. A college acquaintance with Latin textbooks or a decent familiarity with the graces of Addison and Pope, inspired dullards with a desire to ooze out in essays or odes to Columbia and Columbia's favorite son, which appeared in the newspapers. Allegory ran wild, while commonplace metaphors and tropes, like the fife and drum airs, graced every holiday. Upon its first recurrence after the inauguration, Washington's birthday was celebrated in leading towns with public marks of honor; a custom which the Cincinnati of New York helped institute and which has never since fallen into disuse, though to no other American's lot has fallen such continuous distinction. Birthday and procession odes became accordingly the favorite doggerel of the day, many of them having that smack of Tate and Brady, which bespoke a psalm-singing age. One song began:

> "Arrayed in glory bright
> Columbia's saviour comes."

Another proceeded in like strain:

> "His glory shines beyond the skies,
> From Heaven proceeds."

With stanzas like these set to appropriate music a choir would stand before the President when he appeared upon a public tour, and launch the loud pæan at a face which relaxed nothing of its habitual expression of calm serenity.

This was an age over which the royal atmosphere still hung, though Washington was fitly praised as one whose career put kings and tyrants to the blush. Such ascriptions were heard as, "Long live George Washington!" or "God bless your reign!" Religious, municipal, and social bodies preferred continually their addresses of congratulation for a gracious acknowledgment. Almost all were obsequious. Indeed, the plain words with which the Quaker selectman of Salem welcomed the President to that town contrasted so very strongly with the other speeches made upon his Eastern tour as to excite considerable comment.[1] Washington's reverence for religion, furthermore, stimulated unduly the narration of apocryphal anecdotes concerning him for the benefit of the young. The administration press moreover inclined to servile flattery; and though it were only his "black Sam's" advertisement for provisions to supply the Presidential table, the disposition was irresistible to tack a moral like that of Æsop's fables upon everything that Washington did or appeared indirectly to have sanctioned.

Much of this fulsome extravagance Washington permitted from his real appreciation of a sincere personal devotion, however awkwardly expressed, but far more because he could not possibly avoid it. To every breath of blame he was so keenly sensitive that he sought privately to justify himself to friends who censured these stately honors; hinting at what was doubtless true, that he often parried the efforts of others to make them statelier still. But beyond this we must accept Washington as a representative man of his times, not free from the prevalent notions of official

[1] There was much merriment in the public prints over the simple eloquence of this Mr. Northey, though it evidently touched the right chord: "Friend Washington, we are glad to see thee, and in behalf of the inhabitants bid thee a hearty welcome to Salem." See Boston Centinel, November 7th, 1789.

dignity, nor given to theorizing upon the ideal government where all are rulers; a man, moreover, who estimated justly his own historical position and the immeasurable services he had rendered to the Union of these States. An American to the core, a sincere patriot, one who believed in the future grandeur of the republic, the only reward from his fellow-countrymen to which he attached any personal value whatever was their gratitude, and upon this he would throw himself to enjoy its buoying influence like a bold swimmer who dashes into the sea. Apparently the love of approbation grew upon him with years; but through life he was too well balanced in temperament to crave it inordinately and too self-respecting to court it.

Those who view Washington through the refracting medium of their own age are apt either to exaggerate or to belittle his character, according to their susceptibleness. To a generation of image-breakers heedless of moral restraints, the skeptical disposition must be to take such a character to pieces and reconstruct from the fragments, if possible, a man with as little real reverence as one of themselves, and a hypocrite besides. No such reconstruction is possible here while truth remains a jewel; for Washington was as genuine a man as ever came from his Maker's hand. His whole life is an open book to his countrymen, wherein the acts and pursuits of his mature years are very fully recorded. Constantly in contact with the public for twenty-five years, seen by natives and foreigners, the memorable incidents of his life during this period are preserved as well as his private impressions. His letters have been explored and even spurious ones imputed to him. It is strangely significant that military and political rivals who plotted against him unsuccessfully, that those who fought with him and those he conquered, have left on record one and the same essential tribute to his greatness of soul. With possibly the exception of downright John Adams, whose ardent but jealous ambition was vexed at having to encounter for his superior the silent soldier he had brought forward in '75 to command the army, no great contemporary

who survived Washington ever upon a final retrospect detracted from his fame. On the contrary, Jefferson, who had a keen eye for faults, and who, of all Washington's intimates, borrowed least from his lustre, has left one of the most graceful and doubtless one of the most discriminating of tributes to his memory ever penned. Out from these clouds of incense which gather now and then to obscure our vision emerges always the same Washington, lofty, symmetrical, eternal, like a mountain peak which is seen piercing the morning mists.

Let us take, if we can, the proportions of this noble character as it stands out nakedly against a clear sky. We are not in the first place to ascribe to Washington intellectual endowments of the highest order. In quickness, fertility of resources, and freshness of thought, he was surpassed by two certainly of his first cabinet advisers and the Vice-President besides. Nor was he a scholar, a well-read man, so much as one of a methodical turn and observant mind, whose travel and personal experience with men and affairs rendered him the best interpreter of the America of his times. The organizing faculty, which in him was splendidly developed, and his thoroughly systematic habits aided a retentive mind of large natural powers; adding to which a patient, conscientious, sleepless devotion to whatever undertaking was in hand, and an unfailing patriotism, we have the man who was born to execute, to humble his king, to make and keep America free.

But Washington's best mental gift was a sound and discriminating judgment. The balance of his mental and moral powers was truly superb. Neither passion nor interest could blind him when it came to deliberating between men or methods. He first sought the best advice he could gain from various sources, next he weighed it well, and finally, after making his choice, adhered consistently to both course and conclusion. Free, however, from that pride of origination which keeps so many great intellects obstinate beyond the conviction of error, he took his bearings anew as prudence might dictate, and with a steady hand on the helm, watched constantly the horizon. He was thus in civil

affairs a splendid practical administrator, though necessarily conservative, and a thorn to party leaders; not infallible, and yet never far astray concerning present action. As a military leader there was danger that one so deliberative might on some unexpected turn be disconcerted by the foe and outgeneralled, and so it had happened more than once; but for a protracted campaign he stood well the test, and where he advanced and had prepared the surprise he came out conqueror.

Washington's moral and religious traits of character have been constantly eulogized. That he was a true Christian cannot be doubted, but what most strikingly impresses is that he was a Christian who lived by rule rather than impulse. The practice was by no means uncommon for persons in his day to frame a series of maxims which should regulate their daily behavior, and then to secrete them in some private place; but those which Washington is known to have prepared for himself were neither obtrusively pious on the one hand, nor on the other framed after that common Chesterfield pattern which would catalogue smirks and bows among the virtues; they were sober, temperate, just, and manly. That same reflective disposition which Washington displayed in public affairs pervaded his whole inner life. His self-examination in lonely hours must have been scrutinizing and severe.

Washington most probably had personal ambition. His career indicates this, and particularly the wealthy marriage which greatly promoted his advancement. But his ambition was always of that elevated kind which makes one the willing instrument for accomplishing beneficent ends. And here the rare temperance of Washington, the just equilibrium to maintain which was a life-long duty, stood him in good stead, for he remained a steadfast patriot when tempted to make himself a monarch. Never violent or vindictive in action, he stands that rarest of the world's military heroes — lord of himself. Yet Washington was not free from the common infirmities, but on the contrary, a man of naturally fierce passions; and there were moments of provocation, even in this tranquil autumn of his life, when he

would give way to a violent outburst of language such as made listeners cower and tremble. But his wrath was soon spent; he quickly recovered himself; and when it came to the decision justice inflexible had regained her seat.

It may well excite surprise that one in outer life so unemotional, so reserved of manner, so cold almost to haughtiness, should in a republic have inspired so much popular enthusiasm as unquestionably did this man. Americans of our times catch his radiance like that of some incandescent light which shines without emitting heat; but the Americans of a century ago were perhaps more susceptible to heroic impressions, and regarded birth and high breeding differently. And in every age of a republic, military courage calls forth the common admiration, and so, too, does sincerity of purpose. Two courses lie open to popular preferment: one by exhibiting manners which captivate and a desire to conciliate every one; the other by performing well the task that lies nearest home and leaving the multitude to gain a better acquaintance. The former is preferred by small men who seek official lustre from small occasions, but the few truly great and well-deserving who have gained distinction when great occasion has discovered and tested them, sink deepest in the popular heart after they once enter; they are the stronger for their self-poise, and praised for that which places them in contrast with other men and stands opposed to the contemptible. Washington, if not cordial, lively, or sociable, was at all events courteous, considerate, and just in his dealings. That desolation of greatness, which so distinguishes him above other Americans, forbade favoritism, so that those under him became emulous of promotion by merit.

Socially speaking, it can hardly be said that Washington had a private life. He cherished no bosom friends, though interesting himself in young people; and among leading men of his day those who won his heart the closest were Hamilton and the impulsive Lafayette. Yet he had no convivial Bentinck like William of Orange, whom in many points he resembled; and probably no person living partook freely of his confidence. He married when past the season

of impetuous youth; he had no child of his own, but to the offspring of his wife by her former marriage he was like an own parent, though in domestic life still constant rather than demonstrative. Close as were his official relations with other public men he repelled familiarity; and when one by no means unconspicuous[1] came up and saluted him in a jocular manner with a slap on the shoulder, Washington turned upon him with a look that withered him into silence. But carefully as he exacted the respect which he felt others owed him, he was equally scrupulous in rendering to each his due in return. The just balance was the principle he applied to all actions, public or private, high or low, to hospitality, to deeds of charity, and to the economies alike of a nation or his own household.[2]

It appears certain that Washington had neither wit nor a salient humor. He conversed sensibly and well with the guest at his table, but a witty sally disturbed him, and to anything like the thrust of ridicule he was keenly sensitive. No *bon mot* is known to have escaped his lips. Young ladies pleased him with their vivacity, and in one or two burlesque scenes on his plantation, which cannot be funnily

[1] Gouverneur Morris. See Van Buren's Political Parties, p. 106, where this is narrated as an incident of the Philadelphia Convention of 1787.

[2] Richard Parkinson tells a number of racy anecdotes which he probably picked up among Washington's overseers and tenants about Mount Vernon in 1798–9, as he had excellent opportunity of doing. These represent that Washington was a close manager on his estate, weighing and measuring whatever came or was to be distributed; getting a slight overcharge refunded where a plasterer who worked by the square yard proved to have made his account too large; and compelling a tenant to go to Alexandria and procure change rather than receipt for the rent, of which a small fraction was wanting. On the other hand, that he returned by his ferryman a slight excess of toll which a wealthy gentleman paid for being taken across the river; also that he mounted his horse and rode good-naturedly to the shop of the distant shoemaker who had declined a request to come to Mount Vernon and measure him, saying this was not his custom. See R. Parkinson's Tour in America. With due margin for idle gossip the trait illustrated is one with which Washington's private correspondence and the anecdotes in Griswold's Republican Court leave us not unfamiliar.

described, he astonished the household by breaking out into a long and hearty laugh. Otherwise his face, unless he was angry, wore that calm and placid expression of repose with which his pictures make us so familiar. And yet a dry, almost sardonic sense of humor peeps out of his correspondence in by-places, of a quality still better illustrated perhaps by the authenticated instance where he turned sharply upon a little boy who was running after him from his tailor's admiringly through a retired street of Philadelphia, and taking off his hat made the youth a profound salutation.[1] For unless the ludicrous aspect of the curiosity he everywhere excited sometimes amused the great man he cannot have been human.

Washington's peculiar temperament and habits are largely explained by reference to his training and personal experience. Born of a good Virginian family, he was left fatherless at an early age, with the cares of a large household, only moderately provided for, devolving much upon him as the most trusted son of a widowed mother. His education was received at home under her refining influence. By profession a surveyor, his duties before reaching majority took him into unsettled regions on long expeditions, remote from congenial society; then serving under Braddock his military experience began among the frontier Indians. An early love disappointment saddened a heart whose hidden depths must have been stirred profoundly. Becoming an independent and wealthy planter, and rising to social eminence, the Revolution called him forth to take the lead of the American armies, in which post he continued through his prime, issuing orders and maturing plans which required long deliberation and the utmost secrecy. And thus had a shy, meditative, proud-spirited youth grown into a serious, reticent, well-balanced man, whose chief relaxation consisted in being publicly entertained and publicly entertaining.

Long use of the pen and contact with the best thinkers

[1] This boy was the Quaker, Isaac T. Hopper. The incident, which occurred not remotely from the present period, is well avouched by Hopper's own statement. See Hopper's Recollections.

and talkers in America trained Washington into a ready writer, capable of expressing himself in a clear, terse, and impressive style, imperfect as had been his education. But he had no pride of authorship, and with the incessant official demands made upon him for civil and military papers, he had long since fallen into the course of permitting others to draft documents for his signature. Yet in the component of those voluminous writings which pass current as his own, whatever pure gold others may have supplied, the test and the stamp of the coinage are his.

Of Washington's physical courage there can be no shadow of a doubt; he gave orders calmly while bullets whizzed about him; he was every inch a soldier. But his moral courage is not to be appreciated without considering that he protected his military honor in an age of duels without ever sending or provoking a challenge. An open enemy quailed before his eye and the cold, rebuking dignity into which he froze when offended, while treacherous friends were most often disarmed by his genuine magnanimity.

On the whole it is the predominance of the moral over the mental and physical qualities, or rather their admirable union, that most impresses us. For strategic skill, consummate policy, profoundness of views, or even originality, Washington is not pre-eminent among the world's heroes, although, as one has well remarked, so far as he could see, he saw more clearly than any other man of his times. But as the man of safe action, as the fittest creation of a revolutionary age, as the embodiment of whatever was grandest in a grand cause, as the filial Æneas who bore America on his shoulders from darkness to light, his name is imperishable.

At the period of this first Congress Washington, though past the meridian of life, touched the zenith of his personal popularity. Abroad, England, though sullen, owned his greatness, and in France, where, under Lafayette's guidance, the republican cause was making hopeful progress, he among Americans was revered as second only to Franklin. At home the union of States was becoming closely compacted; party spirit burned but feebly; the whole people

looked to their transcendent chief for guidance. Washington's military greatness had been vindicated by success, and a new success surely awaited the civil experiment which he was now inaugurating.

The new year opened auspiciously. Business had prospered and still better times were promised. Our commerce, though small, was increasing. So plentiful had been the harvest that the saying was, Anti-Federalism and the Hessian fly had vanished together. Our grain was in great demand, and during the midsummer it was estimated that as many as three hundred wagons in a single day passed Saratoga for the Lakes and Canada laden with corn. The Western territory was fast coming into consequence; manufacturers were planning to enlarge their facilities; there had been a steady sale of spinning-wheel irons, and in Boston alone a single firm manufactured within eleven months more than 60,000 pair of woollen and cotton cards.[1]

1790.

When Congress assembled at its second session, the President called attention in his message to this favorable posture of public affairs, the increasing good-will of the people, and the rising respectability of the United States as a nation. Of all this speedy proof was afforded by the accession of the two truant States, North Carolina and Rhode Island. Their helpless plight outside of the Union had become so manifest that Congress at its first session consented to relieve the vessels of these States for a limited period from the burden of a foreign tonnage duty. Such forbearance of the Federal government, with the persuasion of her own neighbors, had already secured North Carolina, whose accession the public prints joyfully announced by a cut of the constitutional temple supported upon twelve pillars, while the thirteenth and outer one was toppling over.[2]

Jan. 4–8.

[1] N. Y. Gazette, Boston Centinel, and other current newspapers, 1789.

[2] North Carolina ratified with proposed amendments, November 21st, 1789, by 193 to 75.

Hints and encouragement were however wasted for a time longer upon Rhode Island, who played the stubborn child long after the patience of her New England sisters was exhausted.[1] Her paper money had no credit in Massachusetts, and so bitterly did her own Federalists detest its circulation that the Rhode Island Cincinnati publicly expelled a member for tendering State currency in satisfaction of a creditor's demand, as he had the legal right to do. Early in the present year a convention was called by the legislature of the State to consider the Federal Constitution; Governor Collins, Rhode Island's chief executive, giving a casting vote in the upper house, and asking the further indulgence of Congress until the convention could meet. Collins's action cost him his place; for when spring came the Anti-Federalists of this unwilling commonwealth dropped him and chose Arthur Fenner in his stead; while in the convention which met meantime at Kingston their party had carried an adjournment from March to the last of May. In the United States Senate a bill was now promptly passed which prohibited all commercial intercourse with Rhode Island, and required her to pay her quota of the Continental debt. Threatened at length with Federal coercion on one hand, and on the other with the open secession of Providence and Newport where all this stubbornness had gained popular disapproval, the Anti-Federalists of the State had finally to succumb, and when the convention reassembled, May 24th, at Newport, as appointed, a motion for further adjournment was defeated, and by a majority of two ratification was carried, not, however, without a longer list of proposed amendments to the Federal Constitution than there were towns in the State. The thirteenth and last pillar was now accepted into the Federal temple, and the structure stood complete. Congress, by no means in a gracious mood, very properly consigned the Rhode Island propositions, as it had those of North Carolina, to the waste-basket; but at

May 24–29.

[1] When the President was at Worcester five cannon were fired on the green for the New England States; three for the States already in the Union, one for the expectant Vermont, and one more for "Little Rhody," as a call for her to be ready before it should be too late.

the summer recess the President good-naturedly made an excursion, with Clinton, Jefferson, and other dignitaries, to Newport and Providence, where the party was hospitably entertained, Brown University conferring upon Washington the degree of Doctor of Laws.[1]

Another proof of the salutary influence which our new Union exerted appeared in new State constitutions adopted at this period, those particularly of Georgia and Pennsylvania. In Georgia a constitutional convention had met, which remodelled the fundamental law so as to secure upon adoption, among other desirable changes, the institution of a Senate and House of Representatives in place of the former single Assembly. Pennsylvania framed and established in the course of the present year a new constitution, which likewise superseded that tumultuous body whose only good service had been to enable Federalism to make quick work with ratification, by a legislature consisting of two houses, the more numerous to be chosen for one year, the other for four years, but with a partial rotation annually. In place of the plural executive with its nominal president appeared a single magistrate, to be chosen by the people for a term of three years. In the fall General Mifflin was by an immense majority chosen the first Governor of Pennsylvania. South Carolina this same year recast its peculiar constitution so as to conform better with the spirit of the age, though wealth, not numbers, still ruled in the councils.[2]

1788-89.

1790.

This second session of Congress was long and interesting. By a joint rule March 4th was fixed as the permanent date for commencing the Federal year, the last day of the present Congress being set at March 3d. Among the primary measures of consequence which became laws were these: The first census act, which called for the enumeration of inhabitants alone, and set the example of making Federal marshals the gatherers of local statistics;[3] the first naturali-

[1] See Gazette, Centinel, and other papers of the day.

[2] See current newspapers; 4 Hildreth's History.

[3] Act March 1st, 1790, c. 2.

zation act, requiring only a brief two years' residence for gaining the privileges of United States citizens;[1] the first patent act, which granted to inventors the exclusive right of their discoveries for fourteen years, and gave an impulse to that mechanical ingenuity for which America has since become so famous;[2] the first copyright act, giving to authors a corresponding privilege with certain instances of extension.[3] Variations of term have been introduced by later patent and copyright as well as naturalization acts, and the patent administration, at first given to a board of department heads, and soon after vested in the Secretary of State alone, required at length in later years the sole attention of a bureau officer.

An act for defining and punishing certain crimes against the United States furnished an array of penalties from hanging down to fines and a public whipping; a milder code on the whole than prevailed generally in the States, where degrading punishments were still so popular that in a leading city on a recent occasion of bringing out the petty culprits, a castigator, too soft-hearted to serve out his strokes with the customary vigor, was himself lashed off the platform by the sheriff, who, taking the whip in hand, applied it over a rogue's shoulders with loud smacks of justice untempered by mercy, while the bystanders applauded.[4]

Secretary Knox about this time submitted a scheme for enrolling the whole militia of the Union by legions, and requiring military service from all citizens between the ages of eighteen and sixty. But Congress took no action upon a measure of such doubtful expediency, and even the regular military establishment of the United States was placed upon a very moderate footing.[5]

Authentication of the public acts, records, and judicial proceedings of each State was provided for, the tariff was revised, and a more stringent collection act passed to meet

[1] Act March 26th, 1790, c. 3.

[2] Act April 10th, 1790, c. 7. [3] Act May 31st, 1790, c. 15.

[4] Act April 30th, 1790, c. 9. See Boston Centinel, August 8th, 1789, which mentions the incident to praise the sheriff.

[5] Act April 30th, 1790, c. 10. Annals of Congress, 1790, supplement.

the wishes of the Secretary of the Treasury. Secretary Jefferson during the session presented a learned report in favor of applying the French decimal system to money, weights, and measures alike; but, though in due time Congress sanctioned the metric plan which had been applied in 1785 to the Federal coinage, nothing further was attempted in that direction. Scientific methods make slow headway against popular prejudice and the force of common habits, and it was many years longer before the generality of citizens could be persuaded even to replace their familiar reckoning by pounds, shillings, and pence, by that of dollars and cents.

But the sensation of this second session was the financial report of the new Secretary of the Treasury; and its most conspicuous debates and legislation had reference to plans for restoring the public credit which that report invited. By one of those fantastic combinations not strange in deliberative bodies, it came about before the summer adjournment that into the choice of a Federal funding system entered the permanent selection of our Federal capital.

By common consent the financial situation had been left for the new Secretary to work out during the recess, and from a mind so clear and comprehensive as Hamilton's something remarkable was expected on the reassembling of Congress. The Secretary proved not unequal to the occasion; for keeping public curiosity on tiptoe until after the delivery of the President's message, he notified the House that he had, agreeably to the resolve of the previous session, prepared a plan for the support of public credit which he was ready to present; and after the House had concluded, not without some debate, to receive the report in writing instead of orally, — a precedent which has since been constantly followed in the intercourse of department heads with Congress, — he sent in at once the ablest financial document of the day.[1]

[1] 3 Hamilton's Works; Annals of Congress, 1790; 4 Hildreth, c. 2.

This report, in the first place, unmasked fully the condition of the public debt, showing it to consist of the following items: (1.) The foreign debt of the Union, estimated at $11,710,378, inclusive of arrears of interest, whose accumulations must have exceeded $1,500,000. This foreign debt was partially due to private parties in Holland, slightly to Spain, but chiefly to France, a creditor of whose generous forbearance America had fully availed herself. (2.) The domestic debt of the Union, or that owed to creditors at home, which, because of the inability of the Continental Congress to meet accruing interest, had now reached the enormous amount of $42,414,085; a sum total of which $2,000,000 represented unliquidated claims, including the outstanding Federal money. (3.) The State debts which had been incurred in the common cause of Revolution, already partially liquidated, but estimated as still amounting to something like $25,000,000, principal and interest.

The third item had not entered into the Federal calculation at all, and might well have been omitted. But, to the astonishment of Congress and the country, Hamilton not only produced these estimates from his budget under a third head, but proposed with hardihood that Congress should assume all State debts in addition to the Federal burden, and thus undertake on behalf of a nation but newly organized to carry what for the times must have seemed a staggering total — nearly eighty million dollars.

But Hamilton was neither an empiric nor a loose reasoner. Accompanying his proposition was a statement of reasons why a general funding system should be regarded as both feasible and expedient. The public debt, he argued, ought all to be funded; it is both just and politic to maintain the public credit; and public credit can only be maintained by punctual performance and good faith towards the public creditor. Hamilton was silent, however, in respect of a further consideration which must have greatly influenced him so far as local assumption was concerned — the additional momentum which the central government would likely acquire by this paternal solicitude for the States and the absorption of so large a part of the people's invested capital.

The foreign debt, all admitted, must be paid off according to contract and extinguished as speedily as possible, and to borrow enough to discharge this, principal and interest, must be part of a discreet funding system. But creditors at home need not, he continued, be dealt with quite so scrupulously; in other words, government might reckon upon one's reluctance to accept immediate payment where there was the option of a long loan at a fair though reduced rate of interest. If, as Hamilton reasoned, the United States plants itself firmly upon public good faith, we can presently reduce the borrowing rate from six per cent.; probably in five years we can borrow at five per cent., and in fifteen years at four per cent.

These opinions, positively pronounced, thrilled the whole country with astonishment. Hitherto our financial dealings as an independent people, State or Federal, had been conducted on the plan of compounding with public creditors. Local securities had ranged in value according to the anticipated policy and estimated resources of the State or municipality issuing them; but, low as these might rate, they had hitherto ranked higher, as a rule, than those of the United States; for the last had commanded since their first issue scarcely more than fifteen cents on the dollar. On the passage of our first revenue act United States securities had risen somewhat, but the impression still prevailed that the new Union would never redeem its domestic obligations except upon the customary composition. No sooner then was Hamilton's report made public than these securities ran up to fifty cents. New York capitalists hurried agents into remote sections of the country to buy up in advance of the news all the Federal certificates they could find. A speculating knot, which it was rumored comprised at least one member of the House, dispatched a swift-sailing vessel to the Carolinas and Georgia on a similar errand.

Funding resolutions were duly introduced in the House; those presented by Fitzsimons, of Pennsylvania, embodying the Secretary's policy. Already, before crowded galleries, had the opponents of the new plan denounced the spirit of havoc and speculation which had followed the publication of

Hamilton's report. The first of Fitzsimons's resolutions, relating to the foreign debt, passed unanimously; but upon the second, which provided for the payment of domestic creditors of the Union, a running debate ensued, in the course of which appeared the agricultural representatives, and especially those from the South, strenuously opposing the plan of paying Federal certificates in full. On their side the oppressiveness of the proposed measure was urged, and the ruinous taxation which payment of the interest instalments alone must necessitate; furthermore, the Federal policy hitherto pursued, and the general expectation when these certificates were issued that they would eventually be scaled down. But the real strength of their position consisted in the fact, which none could gainsay, that by paying in full the nation would not now be rewarding generously its original creditors, the men who had supplied sinews of strength in the day of trouble, but simply enriching a horde of assignees who had purchased the certificates at an enormous discount, many of them trading even now upon their superior knowledge of the Secretary's plans. Scale down the domestic debt two-thirds and yet these hungry speculators, it was argued, would still make a handsome profit upon their investment. Feb. 8–28.

To Livermore, of New Hampshire, Scott, Tucker, of South Carolina, and Jackson, who spoke in this strain, Ames, Sedgwick, Boudinot, Fitzsimons, and Smith responded. True, they said, Federal certificates might prove at this late day to be largely held by assignees; but, as the assignment was lawful, and each former holder must have parted with it upon his own estimate of the public faith, might not the nation with justice permit those to make gain who trusted more implicitly in the public honor and stability? Here were certificates, expressed for a certain face value, which the Continental government unequivocally promised to make good, and to that promise and its obligation the present Union was legitimate successor. The measure proposed was a wholly practicable one; surely with our new energy and resources the debt could be borne in all its integrity, and if we once started upon the path of inviolable honor our

reward would be found in the re-establishment of general confidence; as borrowers, too, we could hereafter, when occasion required, command the most favorable terms. These arguments were strongly stated, but by none more convincingly than the Secretary himself, whose report had largely anticipated all the objections which its opponents could urge.

An illustration of the former policy of the United States was supplied by the Continental currency, which had actually been called in for redemption at the rate of forty to one. This fact was cited in the course of the discussion; but, as if it were not enough that the policy of the new Union should rest upon its own merits, the supporters of Hamilton's plan drew a distinction between bills which pass from hand to hand in small amounts by way of money, and which Congress might be said to have wiped out by a tax upon circulation not altogether unequal, and paper like the present which represented the loans or investments of individual government creditors. Scott put the point that when government incurred the latter obligations the actual value of the certificates was far below the nominal, and that this entered into the consideration with the creditor himself; but Boudinot quickly denied this, affirming upon his personal knowledge that the present certificates were taken at their full face value by way of deferring adjustment of what was actually due the creditor and not for satisfaction.

Madison, silent until this discussion had proceeded far, at length rose to reconcile, if possible, the opposing views. Admitting on the one hand that the public faith would be kept inviolable only by paying these certificates at their face value, and on the other declaring himself impressed by the palpable inequity of giving to speculators all the benefit of a public sacrifice, he now proposed that only original holders should be paid in full, and that transfers should be adjusted by giving to the latest assignee the highest market value, each balance to go to the original creditor. This project did Madison's heart more honor than his head; for such a plan was utterly impracticable; and its very suggestion repelled the Secretary's friends, whose sense of public honor did not admit the casuistry of a debtor's playing the arbiter

among his own creditors, and dishonoring his paper for the sake of rewarding former holders; nor could those opponents be satisfied with the plan whose plain device was to lighten the public load and taxation. The subject, in fact, admitted neither of half-way measures nor abstract justice. Madison's proposition failed by 13 to 36; and ultimately Hamilton's policy prevailed, as it deserved to.

Premising that "justice and the support of public credit" required that the domestic debt should be funded upon equitable and satisfactory terms, and adapted, moreover, to the present circumstances of the United States so far as practicable "consistently with good faith and the rights of creditors," — "which," it is added, "can only be done by a voluntary loan on their part," — this part of the funding bill, as it was finally enacted, provided that a new loan should be opened at the Treasury to the full amount of the principal of the debt, that subscriptions to this loan should be receivable at par in certificates of indebtedness and the outstanding Continental money, and that to each subscriber should be given new certificates, two-thirds of which would bear interest at once, while the other one-third (known as deferred stock) was not to be interest-bearing until after the year 1800, — the rate in either case being six per cent. In favor of the new subscription thus offered to the domestic creditor was permanence, for the government here limited its right of redeeming at pleasure. Yet if the creditor preferred he might retain his present certificates until they were called in, receiving principal and interest, meantime, in full; yet not only might these be cancelled very speedily, but the rate of interest was sure to be reduced so soon as the public situation justified it. To the public creditor this act solemnly pledged the net revenue of the United States, including the proceeds of land sales.[1]

But Hamilton's other proposal, to assume the State debts, was more objectionable, and less readily acceded to. This he had thrown like a firebrand into our peaceable assembly. The desire of consolidating the national influence, if not his

[1] Act August 4th, 1790, c. 34; Annals of Congress, 1790.

own, must, it was felt, have prompted him to do so. Not a State nor a State creditor had applied to Congress for relief, nor could this additional burden be borne without new ways and means, such as a Federal excise. Yet the scheme, once broached, drew zealous promoters. In Massachusetts assumption became extremely popular, for her State debt was still very large, and now that the right of State impost was gone, provision for the annual interest thereon could not readily be made. Connecticut and South Carolina had similar reasons for favoring the plan. On the other side Virginia led, a State whose own war debt had been greatly reduced by funding securities at a depreciated rate, and selling Kentucky lands, so that interest was now promptly met. Other States having small debts were against assumption: Georgia, Maryland, and New Hampshire. The Middle States divided; and Pennsylvania, whose interests were fairly balanced, inclined to play the umpire, while New York and New Jersey supported Hamilton. In a legislative encounter so nearly sectional, the representatives of the two leading States fought stoutly. Livermore, Stone, of Maryland, and Page and White, of Virginia, contended in the House debate on behalf of anti-assumptionists that the tendency of such a scheme was to encroach upon revenue powers now locally exercised; that it was unjust to tax States, who unaided had reduced their own debts, for the advantage of their less fortunate sisters; that without accurate figures to show the aggregate amount of those debts, it was a dangerous responsibility for the Union to undertake liquidating them at all. To this the Secretary's supporters replied that one body can more readily draw out the resources of the Union than many; that we have data fair enough for reliable estimates of these debts, and may trust the States interested as concerns the merits of their creditors; and that it would be of general advantage to the nation to set the States once more upon their feet. They conceded, to be sure, that no State debts ought to be assumed except those actually incurred on behalf of independence, but these, they claimed, ought to be treated as expenditures for the common benefit. Thus argued some of the ablest of the

House debaters, among them Lawrence, of New York, Smith and Burke, of South Carolina, and Fitzsimons; but as the most strenuous of all, Roger Sherman and the Massachusetts phalanx, Ames, Gerry, Goodhue, and Sedgwick.

As the session advanced Massachusetts and Connecticut threw themselves with great energy into the cause of assumption. Connecticut repealed her excise act; the Massachusetts legislature, in session through the winter, was pressed by taxpayers to do the same, and finally adjourned without making adequate provision for the State debts, because of its reliance upon Congressional action. But a feverish uncertainty attended the proceedings of the national legislature. Aided by a few disinterested members who supported the Secretary's plan purely as an administration measure, the assumptionists had carried their point in the House at the earlier stage of proceedings. But their slight majority was reversed when the North Carolina members took their seats; and presently assumption was lost by 31 to 29. Madison, who opposed centralization, like most others of the Virginia school, had taken the anti-assumption side; though cautious in his opposition, for he was the recognized leader of the administration still, notwithstanding Hamilton had proposed this measure without consulting him. The House adopted a substitute resolution of Madison's for liquidating with expedition all accounts between the States and the Union; his idea being that a just assumption policy ought to take into account whatever debts the States might have incurred for the common defence, whether already paid off or not.

March 9.

April 12.

The Eastern members were very angry over their apparent defeat. Sedgwick, who was for saddling the central government with everything the States now owed, warned the House not to invade the last excise source of Massachusetts. Others, who had taken their seats in January without a thought on this subject, did not hesitate to declare that assumption was no neutral measure, but one whose rejection must lead inevitably to disunion. So bitter were some that there was danger of losing the funding bill altogether unless assump-

tion made part of it. Taunts were interchanged over the mutual sacrifices of the revolutionary States during the war of independence. Representatives of South Carolina charged that Maryland and Georgia had not suffered like their own State from the ravages of war. For Virginia it was claimed that she had borne the chief burdens of the Revolution; but the Massachusetts members, calling for official records, showed that their commonwealth had furnished more troops than any other member of the Union, Connecticut standing second. Jackson ridiculed certain items in the State debts of Massachusetts and South Carolina, as "balloon exploits on their own account," which other States ought not to be taxed for.

Meanwhile Congress had been agitating the question of a permanent Capital. Recollections of the mortifying escapade of 1783[1] had fixed the determination of those who framed our Constitution to have done with State headquarters, and ordain that there should be a permanent Federal Capital, free of State jurisdiction. Where this Capital should be located occupied the attention of Congress at its first session. New York was not averse to such a distinction, and the legislature, in fact, took some steps toward providing a permanent Presidential mansion in its metropolis; but New York city was an expensive place of residence, and the reasons must have been very strong against permitting it to be detached from the State. Pennsylvania, with her leverage upon Northern and Southern interests, was a more promising competitor; and, after some altercation at their first session, a bill had actually passed both branches of Congress shortly before adjournment which fixed upon Germantown as the permanent site of the Federal Capital. But those who wished the Potomac location got a House amendment tacked to the bill which compelled its return to the Senate; and, profiting by the late hour of the session, they parried a final disposition of the subject.

1789.

By the time Congress reassembled new combinations had

[1] *Supra*, p. 22.

occurred which forbade the hope of making the Federal city a Philadelphia suburb. But a scramble was now renewed between New York and Philadelphia for at all events the temporary seat; the former bill containing such provision as must have kept the seat of government at New York for several years to come. Beyond this "grog-shop contest" as to which city might, as temporary Capital, get the most money out of Congress, the question of permanent location was a difficult one to settle, so strong was now the general rivalry. It appeared the general disposition to select some central site, and, furthermore, an unpopulous neighborhood. Rome had its Tiber; and as great towns bordered upon great rivers, accessible to commerce, the practical controversy soon narrowed down to the respective merits of the Delaware, Susquehanna, and Potomac, with a contingent chance for the Patapsco. Now this Capital issue, like that of assumption, touched particular States deeply, so as to make the two schemes counter-measures. Combining with New England for protective duties at the first session, Pennsylvania had formed a strong ally against the South in what were then her own Capital pretensions; members from the Eastern quarter having of course no claims to prefer for themselves. But at this second session New England men suspected that Pennsylvanians were courting the South, and had aided to prevent assumption in the hope of securing votes for at least the temporary abode of Congress in return. A resolution being under discussion, which made Philadelphia the place for the next meeting of Congress, the angry assumptionists of the House took their revenge by getting Baltimore substituted, the vote standing 31 to 28. 1790. June 11.

This brought such legislation to a standstill. The Potomac men had hoped to gain the permanent Capital by giving the temporary one to Philadelphia, though it appeared that the Senate still held the present resolution in abeyance in order that the whole question of a seat of government might be settled by one bill. To locate the Federal residence on the Potomac, Virginia and Maryland were very earnest; Madison had worked hard to gain that end, nor, as it appears,

was Washington himself wholly without a feeling of local pride in the matter. Massachusetts and Connecticut members were willing that these States as well as their Philadelphia brethren should feel the blow, deeming it an outrage upon their own section that the Federal city project should be carried by the very votes which defeated their favorite assumption.[1] Congress now grew perverse over the public business; threats of disunion were muttered; both Houses met and adjourned without dispatching anything.

But out of this double entanglement came a double adjustment on the basis of mutual surrender. Hamilton had not thrown out at random the assumption project to alight where it would, but this was his first move in a well-laid plan. To Jefferson, who arrived at New York the last of March, he now appealed for help. The new Secretary of State, seeing nothing very objectionable in assumption on a first impression, undertook with good-humor the office of pacificator. According to his own statement he made a dinner party for Hamilton and one or two influential friends, at which the situation was discussed at length; a final understanding was reached that two Virginia members, White and Lee, should change their votes on assumption, while Hamilton should in return, with the aid of Robert Morris, secure the Potomac for a permanent capital of the Union.[2] Some arrangement of this character was evidently wrought out, for by a slight change of votes, the two bills passed presently to be enacted, in a shape not unpalatable either to assumptionists or the Potomac men; the House first disposing favorably of the present seat of government, and afterwards accepting the funding bill with a Senate amendment which restored the State debts feature. But assumption, as finally adopted, was different from that which

[1] 1 Fisher Ames's Works, 1790; 1 Madison's Writings, 1789, 1790.

[2] See Jefferson's Anas, 1790. Jefferson here complains that Hamilton duped him into forwarding a scheme not then sufficiently understood. But Jefferson's correspondence, 1790, shows that he was not especially averse to the assumption itself. Perhaps he means that he was not then aware that assumption was intended by Hamilton as the opening wedge to Federal aggrandizement.

Hamilton had proposed; for, conforming to ideas which Sherman and Gerry had already suggested to make its course somewhat easier, the specific sum to be assessed for each State was stated definitely, while the aggregate fell short of Hamilton's first proposal.

The aggregate assumption of State debts was limited to the arbitrary sum of $21,500,000, and in the end these State donations entailed actual loss to the United States; for on a later computation of the Revolutionary accounts it appeared that some States actually owed more to the Union than they thus received, and their deficit was never made good.[1]

[1] The amount assumed for the State debts under the funding act of August 4, 1790, c. 34, was distributed as follows:

New Hampshire,	$300,000
Massachusetts,	4,000,000
Rhode Island,	200,000
Connecticut,	1,600,000
New York,	1,200,000
New Jersey,	800,000
Pennsylvania,	2,200,000
Delaware,	200,000
Maryland,	800,000
Virginia,	3,500,000
North Carolina,	2,400,000
South Carolina,	4,000,000
Georgia,	300,000
	$21,500,000

Certificates of State debts were to be received for these several amounts. If the subscriptions should exceed the limit fixed for a State, subscribers should be paid *pro rata*. But should the subscriptions prove less for any State than that State was to receive, interest on the amount of deficiency should be allowed until its Revolutionary account was adjusted. As part of the general funding scheme, though not to operate so as to delay assumption, it was provided that the Revolutionary accounts should be made up between the several States and the Union. Those States proving creditors still should have their balances refunded on terms similar to those of the assumed debt. Act of August 5th, 1790, c. 38.

For details as to the State balances afterwards found due, and upon which, as Gallatin showed, loss resulted to the United States, see 5 Hildreth, 446; 4 Hamilton's Republic, 157. State balances were owed by New York, Pennsylvania, Delaware, Maryland, Virginia, and

Some States, however, Massachusetts in particular, reaped a just benefit by the generosity of Congress in thus consolidating the public credit, and there was great popular rejoicing when its legislature, convoked by Governor Hancock in special session for that purpose, repealed in September the State excise act.

The bill providing for the seat of government authorized the President to appoint commissioners, who should locate on the Potomac River, within defined limits, a district not more than ten miles square, the same to be taken for the permanent seat of government. Until 1800 Philadelphia was to be the temporary Capital of the United States.[1]

The ill-temper of Congress forbade the creation of a Federal excise at this session; though such was to be the inevitable result of assumption sooner or later. But the import and navigation duties were increased so as to yield as much as possible for the needs of the revenue. Inflexible honesty and good faith to the public creditor were clearly proclaimed in the funding act, a decisive step in the right direction. To Hamilton belongs the lasting honor of founding the national credit of this new Union at the outset upon the firm rock of punctilious good faith. But State credit was not placed by his endeavors on an equally sound basis, his controlling purpose being to make the influence of the thirteen commonwealths wholly and forever subsidiary and dependent upon the nation.

The slavery question deserves attention in connection with the angry debates of this session. Were an American Hogarth to arise and rebuke self-conceit by showing how quickly the wisdom of one age is converted into the folly of the next, he could find subjects for his pencil without going far beyond the annals of America. He would begin with the venerable potentates of Salamanca, employing all the

North Carolina. The New York deficit was decidedly the largest, — over $2,000,000, — with a partial credit allowed for fortifications afterwards, not quite $223,000.

[1] Act July 16th, 1790, c. 28. See Act March 3d, 1791, c. 17; Annals of Congress, 1790.

weapons of religion and science to prove against Columbus that the world was flat. Next he might exhibit a boat-load of Virginia immigrants painfully exploring the Chickahominy to find an outlet to the South Sea. But his portfolio would not be complete without some sketch of an American Congress deliberating upon slavery more than twenty years ago. That an institution, both wasteful and unrighteous, should have been suffered by wise statesmen to fasten its poisonous fangs so deeply into the vitals of a republic whose essential foundation was freedom, is one of those political facts which only the theory of human imperfection can well explain, so inevitable must have been the final catastrophe.

In 1790, at the period of Washington's first term, slavery had a nominal existence in every State except Massachusetts. The same New York newspaper which announced the arrival of the President-elect in one column, offered for sale in another "a likely, healthy young negro wench, between fifteen and sixteen years old,"[1] and Anti-Federalists in political discussions were reminded soon after of the advantage they reaped under the new Constitution by having two runaway negroes apprehended in Boston and sent back.[2] But an international anti-slavery movement was in progress at this time. Clarkson and Wilberforce led it abroad, where the latter had brought forward his first measure in Parliament for the abolition of the slave trade in the British West Indies. A British abolition society, formed in 1787, kindled sentiment in that country, a popular device representing the African kneeling in chains and imploring, "Am I not a man and a brother?" Abolition societies existed at this period in several American States, particularly in the middle section, Pennsylvania being a missionary State surrounded by the unconverted, and Philadelphia the centre of anti-slavery operations. The prime objects of the American societies, among whose present leaders were Dr. Rush, Tench Coxe, Chief Justice Jay, and the aged Franklin, were not less

[1] N. Y. Gazette, April 24th, 1789.
[2] Centinel, Boston, May 16th, 1789.

practical and conservative than benevolent; namely, to further the cause of gradual emancipation, and to persuade Congress to favor freedom as far as the Constitution would permit.[1] In 1791 France by her National Assembly virtually granted equal political rights to freemen without distinction of color. Certain religious sects in America had recently taken strong anti-slavery ground, prominent among which were the Presbyterians and Methodists; but both in England and America Quakers had long been the most strongly identified with this humane movement, subjecting to church discipline all members who held slaves.

Gradual emancipation was at this period the favorite and most successful method of reclaiming the old States to freedom, and Connecticut, Rhode Island, and New Hampshire had already emulated Pennsylvania's example in adopting it. The seed now ripened in New York and New Jersey, and strong hopes were entertained of speedy abolition in all the old thirteen States north of North Carolina. New York, New Jersey, Delaware, Maryland, and Virginia had all, in fact, prohibited slave importation, and Jefferson and Wythe, as commissioners to revise the statutes of Virginia, once agreed upon a measure of gradual emancipation for that State, which, however, the legislature hesitated in 1785 to accept.

In the convention of 1787 Virginia statesmen were promi-

[1] The Pennsylvania Society for Promoting the Abolition of Slavery was formed as a voluntary society in 1775; then after some years of inaction reorganized in 1784, and finally incorporated with some changes in 1789, its full style being for Promoting the Abolition of Slavery, for the Relief of Free Negroes Unlawfully Held in Bondage, and for Improving the Condition of the African Race. This, the earliest of American abolition societies, co-operated with the legislature in carrying out the plan of gradual emancipation in Pennsylvania. Franklin, whose name stood first in the act of incorporation, was made the president in 1787, and Dr. Rush (an earlier president and influential member), the secretary. Honorary members were from Massachusetts, Rhode Island, New York, New Jersey, Delaware, Maryland, and Virginia, together with Lafayette, Brissot, and other philanthropists abroad. Its constitution provided that no slaveholder should be admitted a member. Penn. Hist. Soc. Records.

nent for their anti-slavery expressions. And now at the first session of the first Congress, Parker, of 1789. that State, had introduced, by way of amendment to the revenue bill then undergoing discussion in the House, the proposition, clearly constitutional, that a tax should be levied on the importation of slaves. He and his colleagues supported this measure, not for the sake of increasing the revenue so much as to discourage an infamous traffic. But the discussion showed that leading members north of Pennsylvania were either lukewarm or too anxious to court South Carolina votes for their protective duties. Most kept an ominous silence; Ames, who had warmed into eloquence on rum and molasses, interposed plausible objections. In this division of the House the South Carolina and Georgia men prevented action from being taken. The impetuous Jackson, of Georgia, a man who used to bellow so loudly that Senators would shut their windows to prevent being disturbed, thus declaimed: "Virginia is an old State and has her full complement of slaves already; she ought not to shut the door until her neighbors are supplied. Men at the eastward view this business in an odious light because they can do their own work and do not need slaves; but let them not break us down with their burdens. Indeed," he continued, after this caution to protectionists, "there is as much need of legislating for the white slaves, imported from all the jails of Europe, as for the blacks. Negroes are better off as slaves than as free. The free negroes of Maryland have turned out common pickpockets, petty larceny villains. Nor are slaves worse off in America, where we provide for their comforts, than in Africa, where prisoners of war are sold and parents trade off their own offspring."[1] This tirade had the effect designed; Parker was persuaded to withdraw his motion and leave the matter for considera-

[1] Of the "white slaves," or indentured apprentices, at whom Jackson here flung out, it should be observed that their importation virtually ceased at the Revolution. As to redemptionists, see next chapter. Great Britain, in her own interest, had by law restrained the transportation of her subjects who were skilled in manufactures. 4 Hildreth's United States, 93.

tion in a separate bill; but here the matter silently dropped, and no tax on the slave trade was ever laid.[1]

But a fresh eruption occurred at this second session. Early in February memorials were presented in behalf of emancipation; first from the Quakers of the Middle States; next from the Abolition Society of Pennsylvania, Franklin's name heading the latter. "Equal liberty," claimed the abolition petition, "was originally the portion and is still the birthright of all men." And its prayer to Congress was: "That you will promote mercy and justice towards this distressed race; and that you will step to the very verge of the power vested in you for discouraging every species of traffic in the persons of our fellow-men."

It happened for the second time that freedom was wounded in the house of her friends. While members from Eastern States, writhing at the fear of losing their pet assumption, affected to treat the whole subject as a matter of mere "moonshine,"[2] the Georgia bull lowered his horns once more and dashed at the petitioners; this time followed by Smith, of South Carolina, who, if less vociferous, was quite as reckless an assailant. The Quakers were indecently assailed. It was a cowardly sect, they declared; men who had not only held back from fighting for independence, but played into our enemies' hands; persons who profess not to interfere with affairs of state, and then come before Congress to try to fix a stigma upon Southern gentlemen. They ridiculed the peculiarities of "Shaking Quakers," and jeered at the solemn tone of the memorialists. "Do they mean to rob the Almighty," asks Smith, "of what they call His prerogative?"

But Smith and Jackson overshot their mark in trying to bully the House thus into refusing these petitioners the decent respect of a commitment. The petitions were referred to a committee;[3] but, upon the report of that committee, the onslaught was renewed with a confidence that assured to Georgia and South Carolina a partial victory. They

[1] See Annals of Congress, 1789.

[2] 1 Fisher Ames's Works, 1790.

[3] The vote stood 43 to 14. Annals of Congress, 1790.

renewed their abuse of Quakers. They vaunted the humane treatment negroes received in their States; recalled the virtues of those ancient slaveholders, the Greeks and Romans; scouted the thought that slavery debauches the master; and even went to the extreme of pronouncing emancipation a folly. The negroes, they claimed, are by nature an inferior race; they will not fight, and cannot be made useful citizens or good soldiers. This was a fair sample of the pro-slavery arguments which have since served in many congressional debates. All the prominent orators among the South Carolina and Georgia representatives — Smith, Burke, Tucker, Jackson, and Baldwin — took part, increasing, doubtless, their popularity among their constituents in the approach of the new elections. These sought, overstraining the language of the memorials, to make Congress declare that the prayer for abolition was a prayer for unconstitutional action, and taunts helped out their arguments.

Sedgwick, Gerry, and Sherman from New England, Hartley, Boudinot, and Scott of Pennsylvania, and Madison, Parker, and Page of Virginia had joined in holding the House to the course of decent respect for decent petitions. The resolutions reported from the committee, seven in number, were moderately expressed, and simply aimed, in the form of general propositions, to distinguish the lawful limitations upon congressional action in the premises; for it was undeniable that, as concerned slavery, the Constitution left something to the discretion of this body, unlike the Continental Congress, its predecessor, which could not interfere at all. In the course of debate upon these resolutions a few manly speeches were made on the anti-slavery side; those of Scott, Vining, and Boudinot in particular. Upon Boudinot it chiefly devolved to defend the Quakers. He vindicated their patriotism during the Revolution, and instanced their humanity towards prisoners of war. Against fifteenth century writers, quoted by the opposition in defence of slavery as a social system, he adduced the later Paley; he reminded the House, too, of the attitude America had assumed at the outset of her struggle for independence.

"If the Supreme Being," he continued, "has borne with the unhappy subjects of our consideration, not for one hundred, but for thousands of years, in their own native land, and has provided them with climate, soil, and social comforts in which they rejoice, must we be discontented, and suppose that, by adding to their misery, we can add to their happiness?"

But, exasperated as the Northern members had good reason to be by the violence of the Southernmost faction, who fought these resolutions step by step, as though determined to admit nothing at all upon the record which might serve as a national stimulus to emancipation, their zeal, if not their courage, was fast oozing out. Of the seven propositions, three denied the right of Congress to interfere in certain instances with slavery and were of course acceptable to pro-slavery members; three affirmed a right, within constitutional limits, to tax and regulate the slave trade; but the seventh, which was most pertinent of all, promised on behalf of the Union to promote the humane objects of the memorialists in all cases to which the authority of Congress might extend. The arrival of the North Carolina delegation reinforced the vote of southern extremists, by whose procurement the seventh resolution was stricken out, together with the fourth, which asserted the unquestionable right of levying a ten-dollar tax upon the importation of slaves.

Ames would have dropped the whole wrangle upon abstract dogmas at this point; but upon Madison's suggestion it was decided to enter the resolutions on the House journal, which, in the shape finally adopted, read as follows: "(1st.) That the migration or importation of such persons as any of the States now existing shall think proper to admit, cannot be prohibited by Congress prior to the year 1808. (2d.) That Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them within any of the States; it remaining with the several States alone to provide any regulations therein which humanity and true policy may require. (3d.) That Congress have authority to restrain the citizens of the United States from carrying on the African trade for the purpose of supplying foreigners with

slaves, and of providing, by proper regulations, for the humane treatment during their passage of slaves imported by the said citizens into the States admitting such importation. (4th.) That Congress have also authority to prohibit foreigners from fitting out vessels in any port of the United States for transporting persons from Africa to any foreign port." The public hardly needed Madison's soothing assurance that the House resolutions as thus expressed would serve rather to quiet the fears of the South than encourage the prayer of the memorialists.[1]

How far the desire to conciliate votes sorely needed may have influenced leading assumptionists in this debate we can only conjecture. But it should be observed that the House not only dropped its handy weapon of a ten-dollar tax for discouraging the slave trade on this earliest occasion, but made no formal assertion of that power, transcendent if exercised, of legislating against slavery in the public domain. The omission could not have been inadvertent, for Madison had alluded to it in the course of debate as a congressional right which might well be exerted in aid of the abolitionists. Perhaps two acts of somewhat later date in this session may explain the circumstance. One accepted North Carolina's cession, simultaneously with her own admission in the Union, of that Southwest territory which later became the State of Tennessee; and with this counterpart to the Ordinance of 1787, that "no regulations made or to be made by Congress shall tend to emancipate slaves."[2] The other made general regulation of the territory south of the Ohio similar to that of the Northwest territory, except as the North Carolina cession had provided.[3] Whether Congress took

[1] Annals of Congress, February 11th–March 23d, 1790.

The abolition societies of Rhode Island, Connecticut, New York, Pennsylvania, Maryland, and Virginia all presented memorials to the House about December, 1791, praying that Congress would discourage slavery to the extent of its powers as thus entered on its records. But beyond a reference to a select committee nothing was done. See Penn. Hist. Soc. Records.

[2] Act April 2d, 1790, c. 6. [3] Act May 26th, 1790, c. 14.

this false step with the deliberate purpose of extending the Federal compact between freedom and slavery which the Constitution had only partially insisted upon, or from a mistaken sense that North Carolina's surrender of title was too valuable to refuse because of the cruel conditions attached to the gift, the record does not show. That legislation was readily accomplished, not without Northern assistance in both houses, and of the debates and votes no full record is preserved.

All this paved the way for general consent, at the third and final session of this first Congress, to the simultaneous admission of Vermont and Kentucky as new States, the one with a free and the other with a slave constitution.[1] Sectional jealousy had something to do with keeping these new sisters waiting so long at the threshold; and the method of their final acceptance affords further proof that the first Congress, with all its practical statesmanship, could boast no tenderness of conscience touching human rights nor a broad apprehension of the dangerous antagonisms it fostered for the sake of present harmony. Its nerve proved unequal to sustaining an emancipation policy within strictly constitutional limits; and the glory of the Ordinance of 1787 was quickly dimmed by a dumb acquiescence in the miserable

[1] The act relative to Kentucky passed first. Act February 4th, 1791, c. 4. That concerning Vermont is Act February 18th, 1791, c. 7. But Vermont was to be admitted from March 4th, 1791, and Kentucky (as petitioned for) not until June 1st, 1792. Vermont had already a State constitution, and before applying to Congress voted in convention, January 19th, 1791, to ratify the Federal Constitution. Kentucky had not yet formed her State constitution, and was virtually accepted into the Union by Congress without conditions of any sort; but before her admission took effect in 1792 her State constitution was established, recognizing slavery.

The public impression regarding the true intent of this joint admission of new States may be gathered from a verse which went the rounds of the newspapers in December, 1790:

"Kentucky to the Union given,
Vermont will make the balance even.
Still Pennsylvania holds the scales,
And neither South nor North prevails."

policy of halving the national territory between freedom and slavery.

Franklin died a few weeks after Congress had disposed of the memorial which bore his illustrious signature, and in two continents funeral honors were bestowed upon a private citizen and man of the people which kings might have envied. In this last public act of his life, the only one in fact which associates his name closely with America's new epoch, the veteran patriot, whom some House debaters supposed to be in his dotage, proved himself as clear-sighted as ever,—a statesman, sagacious and philanthropic, in advance of his times.[1]

If the prospect of ameliorating the condition of the blacks by Federal intervention appeared thus discouraging, more hopeless was that of civilizing the American Indian. Wherever the fault might rest, the long-settled policy of the United States, as derived from the several Colonies and Great Britain, made the aborigines outcasts. These had generally been driven westward as the white settler advanced into the interior. Like the panther and the buffalo they were commonly regarded as foes to civilization; and if the more humane of the Colonies paid some copper tribes for the release of their hunting-grounds, yet our policy, with rare and temporary exceptions, had been exclusion if not extermination. Penn and the first Quakers were conspicuously humane in their dealings with the red man, as were now their descendants also towards the blacks. But that

[1] Benjamin Franklin's death occurred April 17th, 1790, at the age of eighty-four. Appropriate action was taken by Congress, and the French National Assembly went into mourning, and paid repeated tributes to his memory, as though France had lost a favorite son. Mirabeau announced his death as that of "the man who emancipated America; the sage who was the ornament of two worlds." Turgot's epigram, written under Franklin's portrait some years previous, is immortal beyond any word of praise uttered by Franklin's own countrymen: *Eripuit cœlo fulmen, mox sceptra tyrannis.* The words themselves are more familiar than the fact that the latter phrase was prophetic; for Turgot was dead before the American Revolution ended.

lively, sympathetic, adaptable nature which gave the French settlers of Montcalm's day so powerful an influence over such savage people, was not inbred in the Angloman, who might be prevailed upon to coax rather than compel, and yet could never admit the red man into his heart. The result was natural. The Indians proved treacherous as a race, intractable; they fought pale-faces who encroached upon their domains, made treaties when overcome in the unequal fight, only to be broken on the first opportunity, fought again and fled; then disappearing for a season, and trying to draw the enemy into an ambush, they would stealthily approach the border settlements, apply the midnight torch to the fresh log-houses, and, with loud yells and tomahawks uplifted, begin a revengeful massacre which spared not even woman or babe.

Whether, then, the situation were peace or war, our Indian policy had for its cardinal principle, long before the Constitution went into effect, the treatment of the Indians as a people whose amalgamation with our own was practically impossible. The choice of measures, where any interests of white citizens and of Indians conflicted, lay accordingly between a forcible dispossession of the latter and the making of treaties so called, which were rather like contracts between a keen-witted guardian and his spendthrift ward. Indian grants to individual settlers could confer no title whatever as against the State; and our whole people claimed, by virtue of discovery and colonization, the prerogative of extinguishing the claims of all barbarous occupants at pleasure.

The public rights, as well as the public responsibilities, in all dealings with the dusky tribes had now been finally transferred, under the Constitution, from the several States to a competent central government. And upon Washington, as the first President, it devolved not so much to initiate a policy as to conduct the well-established one with due honor and discretion. The situation was perilous at his accession. True, the once formidable Six Nations of New York were now disbanded, and the State had by prudent conduct so divided their counsels as to secure the fertile tract they once

occupied. But the main body of Indians, now scattered through the Mississippi Valley, and hovering constantly upon western and southern frontiers, appeared fierce and unsubmissive. The late Confederacy, unequal to its appointed task of keeping the race in check, had unwisely assigned bounds to the Indian country without making compensation for the territory taken, while its imbecile administration had encouraged certain of the States to so ply the tribes of their own vicinity, in defiance of all fundamental law, as to embroil the Confederacy against its own consent. Great Britain and Spain, too, were scheming to keep the new Federal Union under the saddle, each in her own interest; the one holding the Northwestern forts, which ought to have been surrendered, and encouraging the neighboring Indians to claim as their own country the whole territory as far south as the Ohio; the other plotting to break, if possible, the Saxon advance towards the Mississippi, having found it hopeless to seduce the trans-Alleghany settlers from their allegiance to the United States.

With the Mississippi for a western boundary, the Indian tribes which menaced our new Union comprised at the present era two grand divisions, separated by the Ohio River: (1) The Northwestern Indians, (2) and the Indians of the Southwest.

(1.) The Northwestern Indians, at Washington's installation, numbered, according to varying estimates, from 20,000 to 40,000 souls. Of these the Wabash tribes had for years been the scourge of the new Kentucky settlers. So constant, indeed, was bloodshed and retaliation, that the soil of this earliest of States beyond the mountains acquired the name of "the dark and bloody ground." A broad river interposed no sufficient barricade to such deadly encounters. The red man would throw himself upon his white foe like a tiger; the white pursuer, in return, shot down a red man remorselessly wherever he found one, heedless of singling out an offending tribe or individual. What with their own inadmissible claims to territory, and this continuous war to the knife, all the tribes of the Northwestern country were now so maddened against the United States that the first

imperative necessity, unless we chose to abandon the Western settlements altogether, was to chastise the Indians into submission.

Fort Washington stood sentinel over the infant settlements on the northern bank of the Ohio. In April of the present year a hundred regulars from the fort joined a party of Kentucky volunteers in a march to the Scioto; but finding the Indian camp deserted they returned without accomplishing their purpose. It was near the mouth of the Scioto, on the north bank of the Ohio, that marauding savages had of late established their rendezvous, thence proceeding in parties to waylay boats, plunder and shoot down the voyaging settlers, and infest the shore from Pittsburg to the falls at Louisville.

April.

Major-General Arthur St. Clair, of Ohio, a native of Edinburgh, who served in his youth under Wolfe, and afterwards bore an honorable though not wholly fortunate part in the Continental army, had been Governor of the Northwest Territory from its organization. Brigadier-General Harmar, commanding at this time the small force of United States regulars in the Territory, was also a Revolutionary veteran. Our frontier military stations extended as far as Vincennes, on the Wabash, where Major Hamtranck, a Canadian Frenchman, directed operations. The British commandant was at Detroit, whence he communicated constantly with the Governor-General of the Provinces, Lord Dorchester, by whose instigation the Northwestern Indians at this period were studiously kept at enmity with the United States. "The English commandant at Detroit is our father," the sachems would say when American officers tendered terms of peace and friendship, "and we cannot answer without consulting him."[1]

A formidable expedition against the Indians was now determined upon by the President and St. Clair; and in the fall of the year General Harmar set out from Fort Washington for the Miami country, with a force numbering somewhat less than 1500, near three-fourths of

September.

[1] See Am. State Papers, ix, 332–421; Dillon's Indiana; Lossing's War of 1812, c. 2; 4 Hildreth.

whom were militia raised in Western Pennsylvania and Kentucky. Marching northward to an Indian village by the name of Chillicothe,[1] near the Maumee, General Harmar made easy conquest of the place, the inhabitants fleeing at his approach. Cornfields were plundered and the torch was applied to the empty huts. But Colonel Hardin, the junior officer, pressing on with a detachment too confidently in pursuit of the wily foe, was drawn into an ambuscade. The militia turned their backs and ran, leaving the regular troops to be mercilessly slaughtered before they could draw off. After a night of feast and dance over their tortured victims the Indians advanced in their turn. Harmar had set his face towards Fort Washington; but yielding to Hardin's advice he now sent back the latter with some four hundred men, chiefly militia, to surprise the Indians at the head of the Maumee. The premature discharge of a gun revealed the presence of our troops, and an imprudent pursuit of the Indians by the militia in disobedience of orders, so as to leave the regulars unsupported at their crossing-place, completed Hardin's discomfiture. Little Turtle, the famous chief who led the main body of the Indians, drove back the American troops with great slaughter. In Maumee ford the bodies of the slain were so numerous, it is said, that one could have crossed the river upon them dryshod. Harmar, when informed of the disaster, refused to prolong the contest, having lost all faith in his raw militia; and presently the army returned to Fort Washington. Thus ended a fruitless campaign, which did the regular troops far more honor than the militia levies or they who commanded the expedition. A court-martial acquitted both Harmar and Hardin; but the former, who was suspected of showing the white feather, presently threw up his commission.[2]

October.

Oct. 22.

Nov. 4.

(2.) The Southwestern Indians, though more numerous than the tribes north of the Ohio, were so divided in inter-

[1] Not the site of the present Chillicothe on the Scioto. Lossing's War of 1812, c. 2.

[2] See 4 Hildreth; Lossing's War of 1812, c. 2.

ests as to give Washington less anxiety. Of these existed perhaps 70,000, men, women, and children; the chief nations being the Chickasaws, Choctaws, Cherokees, and Creeks. The Chickasaws and Choctaws, dwelling between the Tennessee and Mississippi rivers, had kept friendship with the whites under an early treaty, and were still too remote to be disturbed by our backwoodsmen or tampered with by foreign emissaries. But it was otherwise with the Cherokees and Creeks, two powerful Indian confederacies, whose situation brought them into close communion with the Spanish authorities in Florida and New Orleans. These had made some advance in civilization, carrying on plantations, in some instances, and even copying the manners of their white brethren so closely as to keep negro slaves. The Cherokees laid large claim to territory south of the Cumberland River, in what is now the State of Tennessee, and to portions of the Carolinas and Georgia besides. A partial recognition of this claim by the Continental Congress became so odious to the Southwestern States concerned, that they proceeded without compunction to nullify its action; and pushing boldly into the Indian reserve, the white settlers became speedily involved in bitter warfare. The Cherokees, expelled in consequence from their lawful domains, fled to the Creeks for protection. But the Federal government now interposed with assurance that it disapproved of an outrage for which North Carolinians were mainly answerable; and the Indians awaited treaty negotiations with "their elder brother, George Washington," which only North Carolina's non-accession had seriously hindered.

Upon the Appalachicola and its tributaries, and the upper waters of the Alabama, dwelt the Creeks, the brave Seminole tribe occupying Northern Florida. Surrounding Georgia by land, as they did, and well supplied with rifles and ammunition by the crafty Spaniards, they were a formidable people to provoke. Georgia had treated with them, soon after the war, so as to procure a cession of lands west and south of the Oconee River. This cession the Creeks presently repudiated as fraudulently procured; and most assuredly the treaty needed the sanction of Congress to give it legal

validity. But hastily proceeding to take possession of the coveted tract, Georgia soon rushed upon hostilities, which the Indians conducted on their side with such vigor as carried terror to the port of Savannah. Self-protection was a sufficient motive to bring Georgia and South Carolina to the arms of the new Federal Union, exposed as were their frontiers to imminent dangers. A Spanish alliance strengthened the Creeks against the United States, whose good-will they had lately courted.

To win back the friendship of these Southwestern Indians while the northern frontier gave so much cause for alarm was a task to which Washington promptly addressed himself. Congress having appropriated at its first session for Indian negotiations, he sent commissioners to investigate the dealings between Georgia and the Creek nation and compel justice in the premises; but the mission failed. He now made a second attempt and with much better success. It appears that the leader of the Creeks was Andrew McGillivray, a half-breed, whose Tory father, a Scotch trader, had been impoverished by the confiscation of his estate in Georgia; whereupon the son, a young man of education and trained to business pursuits, fled from the State to his mother's tribe, and presently rose to be chief in the Indian confederacy.

McGillivray was induced this year to visit New York and negotiate a peace on behalf of his people while Congress remained in session. Accompanied by some twenty-five chosen warriors he reached the city late in July, where flattering marks of honor awaited him at "the great council fire of America." The Tammany Society or Columbian Order, a charitable organization recently formed, which, in the vicissitudes of later years, became a potent force in local politics, and whose names and manners imitated those of the Indian country, received these braves at the Wall Street landing, and escorted them to their lodgings at the City Tavern with much ostentation; Congress saluting the party from the balcony of Federal Hall, and the President, the Secretary of War, and Governor of New York afterwards extending in turn an impressive welcome. July 21.

McGillivray was dressed in a suit of plain scarlet, the other warriors of the Creeks appeared in their national habit, and as the procession moved up Wall Street the chiefs sang their peculiar song.

The day after this Creek delegation arrived, Washington approved an act of Congress which forbade all trade and intercourse with Indian tribes without a license from the President, and utterly prohibited the purchase of Indian lands except under authority of the United States.[1] Thus carefully oiled, the wheels of negotiation ran smoothly. Secretary Knox represented the United States in a transaction, which, on McGillivray's personal behalf, recognized his more than Indian keenness at a bargain; for a secret article gave to this Scotch half-breed the salary of a United States agent and the monopoly of furnishing Indian supplies. The treaty agreed upon was, however, beneficial in all respects to the Creeks, for it guaranteed to them the tract south and west of the Oconee, in consideration of their relinquishment of territory north and east. This first of our new Indian treaties, duly confirmed by the Senate, was publicly ratified in Federal Hall the day after Congress adjourned, in presence of the high officers of state and a large concourse of spectators. The treaty was read aloud and interpreted clause by clause, the Indian chiefs giving assent after their usual fashion. The President then signed the document, after which he presented a string of beads and a paper of tobacco, which McGillivray received in token of perpetual friendship. The shake of peace followed, and the ceremonies closed with the Creek song of peace.[2]

Aug. 13.

With this grotesque, but not meaningless, spectacle, terminates the history of New York as the Federal residence; for, after Washington's water excursion to Rhode Island, he returned to the city only to make hasty prepara-

[1] Act July 22d, 1790, c. 33.

[2] See Carey's Museum, New York Gazette, Boston Centinel, and other papers, July and August, 1790.

tions for the removal of the government to Philadelphia, and then proceeded to Mount Vernon for the remainder of the recess. Another stroke of illness had prostrated him in the spring, and rest and recuperation were needful. On his way southward he dined at Philadelphia with members of the State Constitutional Convention and legislature; and that same day the convention went in procession to the court house in Market Street, where the new Constitution of Pennsylvania was publicly proclaimed, and then, returning to the State house, dissolved.[1] Sept. 2.

In a new county building, wholly set apart for Federal use, the first Congress assembled in early December for the work of its brief final session. The chief matters which occupied its attention for this period were Hamilton's further plans for enhancing the public credit; plans which, as hitherto, the President left that officer to broach and urge after his own choice, contenting himself with general expressions of a desire that the debt be eventually paid off, and calling the attention of Congress to the astonishing rise of public credit and the general prosperity of the country. Dec. 6, 1790–Mar. 3, 1791.

Excise and a national bank were the two chief themes of Hamilton's report; and upon his strenuous supporters in the House devolved the initiation of measures appropriate to the one object, and in the Senate of those appropriate to the other. The season for legislative action was brief, and Hamilton lost not a moment. His own lucid and complete exposition left little to be added, whether in argument or detail, concerning either project.

For excise the case was clear. The assumption, as many had foreseen, made recourse needful to some new source of Federal revenue. Imports had already been taxed as high as commerce would then bear. Internal taxation was the next natural resource,—a means of income which States had found available while bearing their own burdens. Instead of the comprehensive excise law Hamilton had asked

[1] Carey's Museum, 1790.

in vain at the previous session, he now more prudently proposed a duty on native distilled spirits alone, at the same time increasing the tariff on those foreign; whereby the Federal machinery would be light, revenue might accrue from an article whose extensive consumption an intelligent part of the community would gladly see discouraged, and the country avoided the disagreeable alternative of a direct tax. State rights men felt that the halter once slipped on, into which the Secretary was coaxing them, the whole harness must speedily follow. Yet the new tax could not well be opposed on principle without reopening disputes already adjusted; the public credit must be sustained at all events; and, distasteful as the measure was to Pennsylvania and the South, its passage was readily secured. As Livermore, in the House, humorously remarked, it would be like "drinking down the national debt." [1]

Jan. 1791.

But Hamilton's second project, that of a national bank, aroused an intense opposition in and out of Congress. Passing the Senate first, with the customary secrecy, the bill for erecting such a corporation reached the House in season to elicit the longest and bitterest debate of the session. European nations, it is true, already favored the creation of such institutions as part of their government machinery. In Italy, Germany, Holland, and France national banks had flourished; and the Bank of England was to our countrymen the synonyme of financial stability. Hamilton had, when a stripling, planned a bank of this character for the United States, which the Continental Congress, under the advice of Robert Morris, actually sought to create; but, convinced that in this respect Federal authority had transcended its powers, the incorporators, whose location was Philadelphia, procured afterwards and acted under a State charter.

Feb. 1–8.

The anticipated advantages of the bank which Hamilton proposed at the present time were chiefly these three: an increase of the active capital of the country, greater facilities to be afforded the Federal government in exchanges and

[1] Annals of Congress, January, 1791; Act March 3d, 1791, c. 15.

in collecting and borrowing for its necessities, and the supply to the whole people of a circulating medium. But in this last respect, at least, the present situation of the country afforded no just criterion of its necessity, for the mint to be established at the present session would soon supply a Federal coinage; and, even admitting that a uniform paper currency was desirable, it by no means followed that the nation should combine with a private enterprise to secure it. The secret machinations of so extensive a moneyed power in politics were to be dreaded; nor less the draining of the lesser channels of finance to feed one great reservoir. None doubted the usefulness of sound banks well distributed; such institutions were now operating at the chief centres under State charters; others could be created; but ought the general government to send out this dragon to swallow up all the others?

Once again Hamilton had determined to carry his point by an unexpected sally in force. With a working majority at his command in both houses, he crowded down the opposition; for he always preferred heading off public opinion rather than awaiting its pleasure. The minority in vain asked time, and protested against whipping a measure of such importance through in the last short month of an expiring Congress, when haste appeared so needless. Compelled, however, to meet the bill on its merits, they found themselves at an obvious disadvantage. New England and New York members, the ablest financiers in Congress, supported the Secretary. There was no time, perhaps insufficient skill, for devising a present substitute better adapted to our Federal institutions; and the only germ of a sub-treasury system at this period appeared somewhat later in a rough suggestion by Jefferson, that government facilities for transporting moneys between States and the Federal treasury might be obtained by treasury drafts upon the collectors. The anti-bank men, thus pushed to the wall, found but one strong objection available, namely, that the bill itself was unconstitutional. To this they mainly trusted; and Madison who, advocating the excise bill as a necessity, determined to oppose the Secretary's new fiscal scheme, led in this argu-

ment. There was no power expressly conferred upon Congress, he contended, to charter banks; and the circumstance that in the convention of 1787 a proposition failed for empowering Congress to grant charters of incorporation, went some way to show that the intention of the present constitution was to grant no such power at all. For this objection Hamilton was not unprepared. True, was his own argument, no such power had been expressly conferred upon Congress, nor perhaps had Congress any right to charter for canals or other miscellaneous purposes; but, besides express, were implied constitutional functions, powers incidental to such express objects as the collection of taxes, the regulation of trade, the borrowing of money, and provision for the common defence. A national bank was "a usual engine in the administration of national finances, and an ordinary and the most effectual instrument of loan." And upon that clause of the Constitution reliance might be placed which empowered Congress "to make all laws which shall be necessary and proper for carrying into execution" the powers expressly vested in that body.[1]

This novel argument of implied powers which bank men urged in debate carried the bill triumphantly. And thus came Congress to charter for twenty years a bank to be styled the Bank of the United States, with a capital stock to consist of ten millions in shares of four hundred dollars. The United States might subscribe two million dollars of this amount, leaving the remaining eight millions to be taken up by the public. Congress pledged itself to incorporate no other bank during the term of the present charter. The bills of this institution, payable on demand in gold and silver, were to be receivable for all payments due to the United States. Directors were to be twenty-five in number and annually chosen. Some salutary restraints were imposed: the choice of directors was confined to citizens of the United States; discount rates should not exceed six per cent; the amounts loanable at one time to any State or the

[1] See Hamilton's Report, 1790; Annals of Congress, February 1st–8th, 1791.

United States were prescribed, while loans to foreign powers were utterly prohibited; and in other respects the character and extent of the bank transactions were expressly defined. Two stipulations were of especial favor to the public: the United States was not obliged to pay its stock subscription at once; and individual subscriptions were payable three-fourths in government securities — this last provision resembling that of the Bank of England charter.[1]

The President was so much impressed by the constitutional question here at issue that, before determining whether to approve the bill, he requested the separate opinions of Jefferson and Hamilton on this point. Hamilton elaborated his former argument as to implied powers. Jefferson's opinion, more concisely expressed, favored the stricter interpretation; he laid stress upon the new amendment reserving powers not delegated to the United States; and he claimed that the bank establishment was neither "necessary" nor "proper" within the general intent of the Constitution. The bill was, however, finally approved, Washington's policy being in a case not free from doubt to leave the department officer who was mainly concerned to carry out his own ideas.

The efficiency of this first Congress was well evinced by the quick dispatch in its brief final session of such momentous, not to say unpopular, legislation as excise and the national bank; besides providing for the admission of Vermont and Kentucky, establishing a mint in Philadelphia, and passing the increased appropriations and various miscellaneous acts. Our regular army was augmented, to enable the President to prosecute the war against the Northwest Indians;[2] for couriers, arriving in the course of the winter, confirmed the bad tidings of Harmar's repulse, and the alarm of the new settlers on the Ohio was increasing.

Some striking peculiarities of our first legislators may be worth noticing before they are dismissed from the scene. Their disposition to trade off sectional differences, even to

[1] Acts February 25th, 1791, c. 10; March 2d, 1791, c. 11.

[2] Act March 3d, 1791, c. 28; Joint Res. March 3d, 1791.

making, if need be, a barter of human rights, their ready disposal of the public business, and those general qualities of leadership which betoken clear heads and cool hearts, have already been instanced. With a distinct purpose in view, they took comparatively slight pains to posture or palter for popular effect. Senators fortified themselves behind the injunction of secrecy; House debates were, as yet, but imperfectly reported, and even the Representative respected his independence of judgment so highly that by a large majority the House refused to admit the right of constituents to bind the legislature by instructions.[1] Honor, patriotism, and a sense of what was due the people whose interests had been committed to their keeping, induced this Congress, nevertheless, to make the grounds of its action intelligently comprehended. In the tariff and funding acts, for instance, appeared argumentative phrases, by way of preamble, which explained their reason for the enactment. With still greater delicacy they took heed, certainly at the outset, that acts whose long continuance might prove oppressive should expire by limitation within a reasonable period; in this respect seemingly over-anxious and apprehending but imperfectly the experimental tendencies of an unfettered people, and perhaps influenced by a singular theory of the day among leading statesmen, that all laws ought to be limited to a single generation, since the usufruct of this earth belongs to the living and not the dead.[2]

As yet there were no standing committees of consequence in either House. The leading principles of each bill were settled in advance by a running discussion upon resolutions offered in committee of the whole, after which a special committee would be appointed to bring in a bill accordingly. This was a tedious process, even where debaters kept so closely to the point as they now did, but it checked cabal among the members.[3] The method of choosing committees

[1] Annals of Congress, August, 1789.

[2] 3 Jefferson's Works, 1789.

[3] Fisher Ames likened their clumsy practice to applying the hoof of an elephant to the strokes of a mezzotinto. 1 Fisher Ames's Works, 1789.

differed in the two Houses from the first. The Senate, whose presiding officer was not of its own selection, chose by ballot; but the House, content with the privilege of electing a speaker, concluded after the first session to permit that officer to make up his own list; and this trust, as the numbers and influence of standing committees grew, became of vast importance. The Senate had its secretary, the House its clerk, and there was a chaplain in each branch, besides a doorkeeper or sergeant-at-arms, and various lesser subordinates.

As to official intercourse beween Congress and the Executive, the course first fixed upon was not regularly continued afterwards. Washington delivered his annual messages orally in the presence of the two Houses, as did his immediate successor, formal responses following after the manner already detailed. With that over-eagerness to magnify their special importance by establishing close and mysterious relations with the Chief Magistrate, which Senators were seen to have displayed at the first assembling of Congress, a minority of that body attempted presently to procure the President's personal attendance for making his nominations, which was to be followed by a ballot taken in his presence. But this was not approved by the general voice of the Senate; and Washington himself, who at the first session would sometimes consult the Senate in person, and more frequently sent the head of a department to make explanation of official matters requiring the action of that branch, utterly discontinued the practice upon reflection, substituting the rule that all executive communications to either house, except the opening message, should be in writing. This latter course better preserved the dignity and independence of the Executive; for, whatever the public advantage in requiring ministers of state to attend open deliberations of the legislature and make such exposition of the administration plans as to fix the public attention and induce thereby the desired action, there can be none whatever in their secret affiliation with a branch which sits with closed doors and can but partially accomplish the executive wishes. The confirmation of all treaties and appointments vested, how-

ever, in senatorial discretion, and, notwithstanding executive communications were now made in writing, the President would still ask the advice and consent of the Senate in forming an Indian treaty.[1]

The form and manner of administering the oath which was imposed by the new Constitution upon all United States officers and members of Congress occasioned the first reported debate as well as the first act of our Federal legislature. Following the indications of the fundamental law itself, the form adopted was brief and simple, being nothing more than a solemn oath or affirmation to support the Constitution of the United States. But the oath, as first actually administered to legislators, necessarily anticipated this act.[2] Upon the first Congress, or rather the Senate branch of it, had devolved another constitutional duty soon after assembling; that, namely, of separating all the Senators into three classes, whose terms should expire in two, four, and six years respectively, agreeably to the idea of gradually changing its complexion. This classification, which was necessarily determined by lot, resulted in setting a large fraction of the original Senate loose at the expiration of the first Congress, remitting to private life through this game of chance more than one worthy member whose hold upon his State legislature was found not strong enough to compass his re-election.

SECTION II.

PERIOD OF SECOND CONGRESS.

MARCH 4, 1791 — MARCH 3, 1793.

WE are now to trace those floating elements of political dissension whose speedy concourse formed the basis of new party combinations in America.

At the fall elections for Congress in 1790 no decided

[1] See Annals of Congress, 1789–91, *passim*. Washington's experiment of personal attendance at the Senate for consultation does not appear to have pleased him. See Maclay's Journal, August 22, 1789.

[2] Act June 1st, 1789, c. 1; Annals of Congress, 1789.

symptoms of discontent appeared. The country was prosperous and all commended Washington's administration as both wise and conciliatory. The great machinery of legislation had worked steadily with very little friction. Most members of the present House stood for a re-election, and, though in a few districts where the majority rule prevailed, repeated trials were found necessary, the Federalist candidates commonly carried the polls as well as at the first election. There were Anti-Federal wounds still unhealed, to be sure, but the opposition was disorganized and feeble. In the more prominent measures which affected the Union, Representatives had sensed well the views of their constituents, and, except for the anti-amendment reluctance of Ames and some of his fellow-Federalists, there was little to hurt the party, except it were a growing dislike of men with aristocratic manners who were for carrying on government in the dark and regarded all popular tendencies as folly. 1790.

Late in the autumn came the announcement that the Virginia legislature had voted its disapprobation of assumption in a resolution declaring the measure dangerous to the rights of the people. In the Maryland house a similar resolve was passed and then rescinded. Assumption was, doubtless, unpopular in this Potomac quarter, and States fell to bickering over the shares allotted them; yet the compromise arranged in Congress was not and could not be disturbed.

But now, as if to make the breach wider between Massachusetts and Virginia, North and South, nationalists and State rights men, the whole financial legislation of this final session turned apparently in the interests of the one section against the other. The legislature of Pennsylvania had denounced the plan of a Federal excise, but in vain; and Maryland, Virginia, and North Carolina were not slow in making like complaints. South Carolina was strongly Federal only in the Charleston district, which Smith represented. Georgia had her private grievance against the administration in the McGillivray treaty. To most of the agricultural and planting constituencies Hamilton's national bank seemed a needless monopoly, gotten up 1791.

for enriching the jobbers and speculators of Philadelphia, New York, and Boston, and for intrenching official favoritism more securely. With the old diversity between Federalism and Anti-Federalism still remembered, it was impossible that this new issue between the broad and strict construction of constitutional powers, between consolidation and reserved rights, should be forced far without bringing new parties to their feet.

In this new sensitive state of the public mind, and while Virginia complained that New England and New York city were carrying everything their own way, the attitude of Pennsylvania was worth watching. That State of violent factions, the third in the Union, at first co-operating so harmoniously with the Eastern section, had now begun gravitating towards the South and Virginian domination. Philadelphia still owed a divided allegiance, so far as gratitude bound her; but not so the interior population of that State. In anti-slavery and religious sentiments, in border proximity, in social and commercial intercourse, Pennsylvania touched the Virginia of that day more closely than she did Massachusetts. What is known as the Wyoming controversy over lands in Northeastern Pennsylvania, which Connecticut had claimed as hers by Indian purchase, and tried by colonizing to wrest from Pennsylvania and erect into a separate State, greatly embittered the popular dislike of New England. This controversy, which had gone on for many years, culminating in 1790 in disturbances at the new county erected out of the disputed district, that was known as Luzerne, provoked Pennsylvania into refusing to confirm the Connecticut titles, and reversing a policy to which she had previously adhered for the sake of conciliating the settlers.[1] In Pennsylvania, west of the Susquehanna, a strong Anti-Federal sentiment had with difficulty been suppressed.

For a final element of political dissension a gradual change of opinion had been forming as to European politics, which the events of the present year greatly confirmed. British sentiment, we have seen, thwarted in the first Congress the proposal of a commercial discrimination. Our Anglo-men

[1] See 4 Hildreth, 237–240; Life of Timothy Pickering, 1790.

celebrated the king's late recovery from insanity by wearing the "restoration hats," which had become a London fashion. And yet the conduct of England had been perseveringly such as to alienate the affections of her late subjects farther than ever. War between Great Britain and Spain impended in 1789; and the President improved that opportunity of urging upon the latter power, now in her decline, the claims of the United States to a free navigation of the Mississippi; and he sought a cession of New Orleans and the Floridas, if possible, on terms of abiding friendship. At the same time, Gouverneur Morris, at this time sojourning abroad, was instructed to repair to London and sound the intentions of the British ministry concerning a full and immediate execution of the treaty of 1783. So long as the danger lasted of a Spanish alliance with France or the United States against her, Great Britain heard our complaints graciously, though still procrastinating; but, by the fall of 1790, Spain, unable to induce France to espouse her quarrel, yielded the points in dispute, and, the war cloud having passed over, the channels of British favor froze up as solidly as before.

France, on the other hand, and the cause of the French revolution, had stirred the American heart to its depths; and while our President's efforts with the British ministry terminated, as self-respect compelled, in the abandonment of all effort to propitiate or obtain justice from a king, the dusty tramp of liberty's columns through the streets of Paris seemed part of the world's procession for human rights, which Washington himself was leading. But the American had still a Saxon temperament, and the feeling gained in conservative circles that the French people were more likely to dethrone a monarch than establish liberty in his stead. The dream of a constitutional monarchy under Louis and a popular legislature was already dissolving. Neckar had resigned the treasury in despair; the prudent Lafayette was falling from high influence; with the sudden death of Mirabeau, the brain of the French revolution perished. In the National Assembly, now rent by factions, the violent elements gained daily mastery. As for France's amiable and unfortunate king, it was no longer a

whisper that his avowals of devotion to liberty were coerced from him, and that he was a virtual prisoner in his own capital; and the caricature of the day not inaptly represented him in an iron cage, guarded by soldiers, from a small door of which he appeared reaching out his hand with a pen between the fingers to sign the new constitution. Late in August of the present year came the startling news of the flight of the king and queen from Paris, followed by their capture and return; and while the bolder half of republican America inveighed against the perfidy of monarchs, the more timid shrank shuddering from the spectacle of a fickle populace.

A crisis in Europe was fast approaching, for which our countrymen watched with intense interest and distracted sentiments. Great Britain prepared for the war of kings, while France proclaimed that the cause of human rights was her own. Burke's *Reflections on the French Revolution*, which impressed thoughtful men, was offset by Paine's essay on the *Rights of Man*. Both of these pamphlets circulated extensively in America during the summer of 1791.

The British government, perceiving how rapidly the United States were striding to power, and unwilling to foster, at this junction, the resentment of a republic with whom France, Holland, and Spain, her own enemies, had established friendly relations, decided at last to send a miniser; and accordingly in August George Hammond arrived in Philadelphia, bearing credentials from King George III. Washington promptly appointed Thomas Pinckney, of South Carolina, American Minister to the Court of St. James in return. And thus Great Britain and the United States were in full diplomatic relation for the first time as independent powers.

An era of great government changes is necessarily one of bold speculation in civil polity. That comparisons should have been constantly drawn at this time between our new Constitution and the systems of the Old World was perfectly natural; nor can it be thought strange that, at this first

stage of our own national experiment, while the European pageant was passing before their eyes, many of the most prominent and intelligent American statesmen should still have praised the ivy-grown British Constitution as the strongest in the world. They were born liege subjects of a king whose allegiance they had forsaken because of evils not inseparable from those institutions. The English common law remained still the foundation of our common jurisprudence. Whether this new Union, the child of mutual compromise, would survive the eighteenth century appeared at least problematical to those who vexed themselves chiefly over two symptoms, hostile, as they thought, to a wholesome nationality: (1) the rivalry of State governments, and (2) the broadening of popular representation. The constitutional system was much distrusted in this first aspect. "Thirteen strong men, embracing thirteen pillars at once," wrote John Adams, "and bowing themselves in concert, will easily pull down a frail edifice."[1] "State attachments and State importance," was the language of Gouverneur Morris, in the convention of 1787, "have been the bane of this country. We cannot annihilate the serpents, but we may, perhaps, take out their teeth."[2] Knox was no Saul among the prophets when he affirmed that "the State systems are the accursed thing that will prevent our being a nation."[3] As for the second aspect, popular government was thought to require a superior ruling set. The susceptibility of Madison to "arguments *ad populum*," or rather to what we now designate as public opinion, had impressed some of his Eastern fellow-members unpleasantly on their first contact.[4] Even Jay, pure and disinterested as a party Federalist, wrote, years after he had left public life, that "the majority of every people are deficient both in virtue and in knowledge."[5] Prominent leaders of the day not only distrusted the stability of the government they were chosen to admin-

[1] John Adams's Works.
[2] Madison's Debates, 1787.
[3] Drake's Life of Knox; Letter to Washington, July 15th, 1787.
[4] 1 Fisher Ames's Works, 1787.
[5] John Jay's Correspondence, 1807.

His friend and eulogist, Morris, says, with unquestionable veracity, that Hamilton disliked the Constitution, believing all republican government to be radically defective; that he admired, nevertheless, the British Constitution, which one might term an aristocracy in fact, though a monarchy in name; and that he confounded republican government with democratical government, and detested the latter because he believed it must end in despotism, and be, in the meanwhile, destructive to public morality.[1]

Hamilton's intellectual compactness, that comprehension of the strong points of his own case and the weak ones of his adversary, which confirmed his station as that of the universal prompter of his party, his clearness of conviction, his promptness and energy in action, must not blind us to the real imperfections of his mind. He was in no broad sense a statesman of original views, nor even one of profound sagacity as an adapter of foreign ideas to the unique political society he lived in. His genius, if genius he had, was that of an administrator, and he was a consummate advocate of whatever policy he might choose to espouse. The plan of government which he had presented in convention was nugatory because too essentially British for the American people. His revenue and tariff measures, his pet national bank schemes, all were British and based upon British experience; not necessarily, however, to their discredit. Even for steadfast public honor over a steadfast public debt, Great Britain furnished the example. Not a measure of legislature, successful or unsuccessful, not a political maxim bears Hamilton's name, of which the New World can avail to teach the Old.

Believing, as he unquestionably did, that the new Constitution would not answer the ends of American society by giving stability and protection to its rights, Hamilton was, nevertheless, not unmoved at the present stage by the success of the new Federal experiment — a success altogether beyond what he had anticipated; by that, moreover, of his financial projects, which had made the Secretary of the

[1] 3 Sparks's Gouverneur Morris, 260.

Treasury the hero of the hour. The finest achievement, no doubt, of Hamilton's whole life, was that of freeing our public credit from its prison-house and teaching it to soar; and to that lasting service we have done full justice.[1] The praise of this was all his own. He had stormed Doubting Castle and conquered Giant Despair; but the dungeon bolt was not drawn without loosening bats and vampires. Having gained his national bank, he meditated fresh triumphs in the direction of a strong central government. Hamilton was arrogant in the hour of his strength. On hearing of the resolutions passed by the Virginia House of Representatives concerning assumption, his first impulse had been to crush their authors by the arm of the law. To this end he dispatched copies to the Chief Justice, then holding his court at Boston, with the inquiry: "Ought not the collective weight of the different parts of the government to be employed in exploding the spirit they contain?" For this was the first symptom of a spirit which must either be killed or it would kill the Constitution. But Jay sensibly replied that Hamilton overrated the importance of these resolutions, and that the nation's proper course was to go on doing what was right and be silent.[2]

As far from Hamilton in his political sympathies as the opposite pole of a magnet was his present colleague in administration, the Secretary of State. Jefferson's mind was original in its workings, penetrating and sensitive to passing impressions like a daguerreotype plate. A philosopher and experimentalist, he set very little by the past as he contemplated the grandeur of the new task which engaged America and her late ally. "It is indeed an animating thought," was his recent language to a friend, "that while we are securing the rights of ourselves and our posterity, we are pointing out the way to struggling nations who wish like us to emerge from their tyrannies also. Heaven help their struggles, and lead them, as it has done us, triumphantly

[1] *Supra*, p. 156.

[2] See Hamilton's Works; John Jay's Life, November, 1790.

through them." "The ground of liberty is to be gained by inches. It takes time to persuade men to do even what is for their own good."[1]

With the same sanguine temperament Jefferson viewed the future opportunities of America and the ability of our American people to shape their career accordingly. While ultra Federalists in Congress spoke of the Northwest Territory as a tract which must remain a wilderness for at least a century to come, Jefferson viewed our Confederacy "as the nest from which all America, north and south, is to be peopled."[2] While they talked with bated breath of erecting better safeguards against popular tumults, Jefferson asserted that "whenever our affairs go obviously wrong, the good sense of the people will interpose and set them right."[3] While their distrust of the States as a perilous obstacle to Federal energy was engendering, Jefferson's eyes viewed the States as a conservative force against central despotism, and the jealousy of the State governments as "a precious reliance."[4]

Full of the Paris enthusiasm Jefferson had come to New York to assume his official duties, expecting to find there somewhat of the same glow for liberty, equality, and fraternity. In this he was deeply disappointed; for, welcomed by the aristocratic and wealthy in a city which had been so lately the hotbed of British Toryism, and entertained in hospitable style like his official associates, he found British tastes and ideas constantly uppermost, and the preference continually expressed for a kingly over a Republican government. "An apostate I could not be," he writes, "nor yet a hypocrite; and I found myself, for the most part, the only advocate on the republican side of the question, unless among the guests there chanced to be some member of that party from the legislative houses."[5] Quick and intuitive in

[1] See 3 Jefferson's Writings, 1790.

[2] 1 Jefferson, 1786.

[3] 3 Jefferson, 1789.

[4] Jefferson, March 15th, 1789.

[5] See Jefferson's Anas, in which he noted various incidents which gave him this impression. Madison relates that both he and Jefferson

his perceptions, of intense convictions, and strongly emotional, it is not strange that Jefferson presently conceived the idea, exaggerated, we may presume, that there were men high in public trust who cherished actual designs for overthrowing the American republic. Beginning, while the national bank bill was before Congress, to warn his friends against "a sect among us who believe that the English constitution is perfect," [1] and expressing his trust that the great mass of our community is untainted with these heresies, as is its head, he presently spoke of Hamilton and the Vice-President as leaders of a British faction, whose efforts, more or less secret, were to draw America towards "that half-way house" of monarchy.

Jefferson employed the pen with vigor, and many of the epithets which he later bestowed upon political opponents in the heat of controversy clung to them through life. How far they were warranted may perhaps be gathered from what we have already written. A monarchical faction had doubtless survived the Revolution, but the prominent men in power were too high-minded for a conspiracy, and for the most part only speculated with a vague idea of what America's future necessities might prove at some later crisis to require.[2] It is right that posterity should confide in the rectitude of the fathers of our American Constitution,— of those who first placed and set in motion the machinery which that Constitution ordained. It is right that we should cherish the belief, that, whatever the theoretical preferences of any of them, they were honest and true in desiring to work out this full experiment loyally, and to keep the new system as long at all events, as possible, from becoming subverted.

were present at a dinner party about this period, where the discussion turned upon constitutional topics. Among other opinions it was boldly advanced that the hereditary designation of a chief executive was better than any elective process which could be devised. Jefferson, with a smile, stated to the speaker that he had heard of a university where the professorship of mathematics was hereditary. 4 Madison's Writings, 112, written in 1830.

[1] 2 Jefferson's Writings, February, 1791.

[2] But cf. 1 Randall's Life of Jefferson, which ably presents a different view.

This was an era of political dogmatizing, political doubts; and the portentous conflict which was preparing across the ocean gave abundant scope to theorists of either school. But as between our two great leaders of political thought, the immediate antagonism was inevitable. It did not take long, after the first polish of personal acquaintance was worn off, for two such representatives of opposing ideas as Jefferson and Hamilton to understand one another; nor, so understanding, for each to oppose the other with all his might. These two vivacious intellects were typical of all the political strife of our next thirty years to shape the course of the Federal government, construe the Constitution, and mould the destinies of this American continent. Hamilton was for repressing popular tendencies, and keeping democracy restrained by the strong hand of order and authority; Jefferson was for giving democracy the greatest scope possible, and trusting willingly to the experiment of recognizing public opinion and the common sense as the ultimate repository of power. Each, in his own political creed, was unquestionably sincere; and abler advocates or administrators of such opposing systems, more typical party leaders, this American world has never seen.

The evidence upon which Jefferson's first suspicions were based was partly supplied by the Vice-President's imprudence. Watching the progress of events abroad John Adams had become early convinced that the French republic would fail, and in its thirty millions of atheists, inspired by encyclopædists and economists, he had no confidence. Being a man of extensive learning, and in his present position but lightly occupied with affairs, he undertook to enlighten his fellow-countrymen upon contemporaneous foreign follies. Hence his *Discourses on Davila*, a series of letters written as a running commentary upon an Italian's history of France. These appeared in Fenno's *Gazette* at Philadelphia during the summer of 1790, and were copied into other administration papers; their purpose, much obscured by promiscuous and pedantic rubbish, being to direct American sentiment against the new idea of complete equality and rights of man.

Adams succeeded mainly in making himself very obnoxious by a publication, which others of his party less candid, who held to the same ideas, deplored as unfortunate; Adams, they said to one another in confidence, should not have been so undisguised; his long absence had rendered him less apprehensive of the temper of our people than others who had not half his knowledge in other matters.[1] Adams himself, in later life, admitted that *Davila* largely helped to destroy his popularity, and wondered that he could ever have written that "dull heavy volume."[2]

It was not so much John Adams, however, that Jefferson antagonized as these more disguised theorists themselves and their favorite, Hamilton. Adams occupied a niche of his own, and was by no means a British worshipper after his London experience. His strength lay chiefly with the Federalist rank and file, who well knew, as also did Jefferson, that, if ambitious or wayward, he was a true American and incorruptible. Notwithstanding Jefferson, in a letter to the bookseller who published Paine's pamphlet, presently made a pointed allusion to "political heresies" which had sprung up among us, which letter the bookseller at once printed and appended to the pamphlet to help its circulation, his estrangement with the Vice-President which followed was not of long duration.

Jefferson's suspicion of Hamilton and his set, on the other hand, once aroused, was sleepless. Originating, probably, in the free table talk of convivial parties and at official interludes, these impressions were deepened by the financial policy which Hamilton was unfolding so gradually, and official jealousy may have had some agency in the matter. While apparently tranquil he was on the alert, and began to jot down in a diary[3] fragmentary accounts of conversations and incidents as they occurred, like a detective set to work out some plot by gathering up circumstantial evidence. His proof was necessarily circumstantial; and here Madison's aid was valuable, since the latter held an important clue to

[1] 1 Fisher Ames, 46.

[2] 6 John Adams's Works, 1812.

[3] This he published years after as "The Anas."

Hamilton's designs from his longer and more intimate acquaintance. Jefferson and Madison must have come into close accord during the final session of the first Congress, or very soon after;[1] and a vacation trip they took during the present summer to the borders of Canada together made them intimate associates, political and personal, for life.[2] Though ostensibly bent on studying rocks and trees, and declining all public demonstrations as they hurried through New York and Albany, it would not be strange, nevertheless, if opportunity occurred for founding a good political understanding with Clinton and Livingston, the latter of whom was becoming disaffected towards the set in power.

In Madison's new development was nothing strange or derogatory to his honor. He had not only Jefferson to lean upon, but his own constituency, his State, and the rest of the Virginia delegation in Congress, a support which he could never have disregarded. He had never been the administration leader in Congress in any confidential sense of the term; but as, perhaps, the ablest member of the House, the one certainly who had done the most to bring in together the Constitution and first administration. No issue was made against the President, personally, but rather with one wing of the cabinet against the other. Though Madison appears henceforth overshadowed by Jefferson, he reaped in season all the other advantages of such an association, and he now parted company with Hamilton because convinced in his own mind, as he afterwards asserted, that the latter was trying to administer the Constitution contrary to the true understanding of its framers.

Opposition to the national bank and other schemes emanating from the treasury, which, upon the plea of implied constitutional powers, had been introduced with the design of national aggrandizement, was the immediate purpose of the new political combinations. As a means of reaching the people on such issues an opposition newspaper at the seat of government was thought desirable; to which end

[1] About May, 1791, Madison begins writing about the "partisans of royalty." Madison's Writings.

[2] See 4 Madison's Writings, 112.

Freneau, a spirited writer and no mean poet, a Princeton college mate of Madison and Lee, who, in the spring had proposed issuing a gazette in New Jersey, was induced, with the aid of Lee, to establish himself at Philadelphia instead. Jefferson aided Freneau by appointing him to the post of translating clerk in the State Department.[1] Hitherto the influential papers in the United States, ignorant of cabinet dissensions, praised indiscriminately all the acts of the administration. Of these Fenno's *Gazette* had been the most prominent, which was issued at New York in 1789, and afterwards travelled with the government to Philadelphia.

American journalism had hitherto been rather vapid than scurrilous. Each newspaper would become quickly identified with its printer in the public mind, and editors courted the powerful men in office. There was too much rustle of brocade in newspaper descriptions of public events and too little lively detail. Local news was imperfectly reported, and a reporter's lack of information or the ambitious attempt at fine writing would often becloud the narrative. The reverend doctor who opened college commencement exercises, addressed the Throne of Grace "in one of the finest prayers we ever remember to have heard," and the judge sentenced a criminal to death "in a manner which did credit to his head and heart," but what the precise language could not so readily be gathered. The arrangement of the newspaper columns showed little enterprise or artistic skill. A leading New York daily, announcing the President-elect's arrival "amid acclamations" one day, postponed particulars until the next; and receiving later the Philadelphia papers with accounts of his earlier progress worked the narrative southwards after a crab fashion, which, in this day of telegraphs, would have a depressing influence. Extracts from speeches in the British Parliament, or Congress, or from foreign books, usually padded the space not occupied by public news like these, advertisements, contributions, or scrap items of fecundity, fires, lightning strokes, and

[1] See 4 Madison's Writings, 112. The newspapers of the day announced Freneau's New Jersey proposal in April, 1791, and the Philadelphia one in September.

"melancholy events," rendered doubly depressing from the manner of their narration.[1]

The best feature, perhaps, of these newspapers, in the general dearth of editorial talent, was their frequent use by the most prominent public men of the day as a medium of political information, though this was usually under some academic mask, which set the public to guessing the real authorship of an essay from the ideas and style of composition. In one of the fairest and best conducted of the Federal newspapers of the day,[2] appeared soon after the adjournment of Congress a series of able essays criticising Paine's *Rights of Man*, and written evidently like *Davila*, though more temperately expressed, with the general purpose of discrediting the French Revolution with the American people, the assumed name of the writer being "Publicola." In the sensitive state of the public mind these essays were at once ascribed to the Vice-President, and the absurd rumor gained some credence that Burke had prevailed upon him to take up the pen in aid of his pamphlet.[3]

[1] A specimen of the hyperbolical strain in which journals of this date indulged, particularly at the South, appears in a Baltimore item of May 3d, 1791, which went the customary rounds: "There are some calamities, in their nature so peculiarly distressing, as not only to involve individuals and particular families in the deepest affliction, but to extend their baleful influence through the various classes of a whole community. Amongst these, the untimely fate of the much-lamented Mr. S——, of this town, merchant, may be justly numbered, who, impelled by the ardor of youth, and a false, alas! too fatal, sense of honor, on Friday morning last, in consequence of a dispute the preceding day at a cock-fight, met Mr. H—— in a duel. Scarce had the respective seconds measured the distance, when the winged messenger of death flew swift to execution, and by the first fire of his antagonist Mr. S—— fell a lifeless corpse upon the sanguinary field, aged 26 years. In one instant that heart, which so lately glowed with filial piety, fraternal affection, and Heaven-born philanthropy, ceased to vibrate, and every vital function was extinct. On Saturday his remains were consigned to the silent tomb, attended by an uncommonly numerous train of weeping relatives and sympathizing friends, when an exhortation, elegantly pathetic, was delivered by the Rev. Dr. A——."

[2] Columbian Centinel, published in Boston.

[3] See current newspapers, June, 1791. The real author of the "Publicola" essays was the Vice-President's talented son, John Quincy Adams.

While these political movements were in progress, Washington was upon his Southern tour, stimulating by his presence the Union spirit among its citizens. A three months' journey of over eighteen hundred miles was performed in his private carriage with a single pair of horses; health and good weather favored, and everywhere he was greeted with genuine hospitality and marks of respect. His course lay first to Savannah, by way of Fredericksburg, Richmond, Wilmington, and Charleston, thence northward once more to Mount Vernon through the interior towns.

Washington had abundant reason to feel gratified, both with the hearty approval accorded his administration in every section and the genuine prosperity of the country. "Every day's experience of the government of the United States," he recorded, "seems to confirm its establishment and to render it more popular."[1] Agriculture smiled with abundant crops; the manufacturers of New England and the Middle States strained their facilities to comply with a demand constantly increasing; commerce unfolded her wings and sought out distant ports. The Stars and Stripes fluttered in Chinese and Indian waters, and a fur trade was opened at the mouth of the Columbia River. A year had passed since a Massachusetts vessel, the "Columbia," which set sail in 1787 on a voyage of adventure to the northwest coast of America in company with a sloop, reached the port of Boston after an eventful cruise; and this was the first circumnavigation of the globe ever made by American vessels.[2] Aug. 9, 1790.

All classes of our citizens had become attached to the new Union, while abroad it constantly gained respect. A loan of 3,000,000 florins to replace the old foreign debt had been quickly raised in Holland at 5¼ per cent., inclusive of expenses. Our internal prosperity strongly contrasted with the uneasiness and depression of European powers. American debt certificates, bearing interest, were at par. Public credit, in fact, stood now on a basis which 1791.

[1] Washington's Writings, 1791.

[2] See Carey's Museum; Boston Centinel.

three years earlier it would have been madness to anticipate.[1] For this general revival of confidence the praise was turning heartily to Hamilton, the fundamental idea of whose financial policy was doubtless the right one. His national bank was, under these circumstances, an assured success. Subscriptions came in rapidly at the large financial centres. Certain States loaned their credit to the enterprise; Massachusetts more prudently refraining, however, through the Hancock influence, a preference for State creditors, and the feeling that such government alliances were of doubtful propriety. On the day of July announced for formally opening the subscription in Philadelphia, capitalists crowded about the door of the building, and in less than an hour the whole 25,000 shares were taken up, while offers for 4,500 in excess had to be refused. Before this year closed the stock had risen as high one time as $200 for $50 paid in. The first choice of directors was held in October; and the anti-bank men, with no amiable feelings, beheld Fisher Ames, Rufus King, John Lawrence, and William Smith, members who had helped the bank bill through Congress, elected to the board. The new Massachusetts Senator, George Cabot, was offered the presidency, but, with more delicate appreciation of his duties to the State, that eminent merchant declined the honor, and Thomas Willing, of Philadelphia, lately president of the Bank of North America, was chosen instead. Branches of the bank were established in Boston, New York, Baltimore, and Charleston. The Philadelphia business was opened at Carpenters' Hall.[2]

One important duty which engaged the President's attention during part of the recess related to the purchase and survey of our new Federal city. The site chosen on the Potomac by himself and the commissioners, in conformity with law, lay a few miles to the north of Mount Vernon on the Maryland side of the river, at the confluence of the Eastern Branch, and just below Georgetown. The tradition goes that, while a young surveyor scouring the neighboring coun-

[1] Washington's Writings, July, 1791.

[2] See Carey's Museum; Boston Centinel; Westcott's Philadelphia

try, Washington had marked the advantages of this spot for a great city; and perchance, as a British regimental officer, he dreamed of giving it a name the night he encamped with a part of Braddock's forces on the hill where now stands the National Observatory. Here the Potomac broadened a full mile, so as to form a spacious harbor 106 miles above its mouth, where large vessels could ride at anchor. The eastern bank was a rolling plain, diversified with small streams and sycamore groves, and rising gradually in the background until it met the heights of Georgetown, and ran off into a country of wooded hills. On the northwest flowed Rock Creek, and a few miles above Georgetown were the Falls of the Potomac; and these afforded good mill-power, besides securing an abundant supply for drinking water at a trifling cost, which a population of millions could not exhaust. The entire soil belonged in large parcels to a few plain, easy Maryland farmers, who rode over to Georgetown for their flour and bacon. One of these only, David Burns, was obstinate about making terms; and the subsequent rise of land in the western quarter of the city, which his farm-house now occupied, rendered his little daughter in time the heiress of Washington, and confirmed his claims to historical consideration as the most conspicuous grantor of the National Capital.

For procuring this choice spot on behalf of his countrymen, the President conducted the negotiations in person, and this purchase of the Federal city was concluded upon just and even generous terms. Each owner surrendered his real estate to the United States with no restriction except that of retaining every alternate lot for himself. The government was permitted to reserve all tracts specially desired at £25 an acre, while the land for avenues, streets, and alleys should cost nothing. Thus did the Federal Capital come to the United States as a free conveyance of half the fee of the soil in consideration of the enhanced value expected for the other half. The choice reservations for our public buildings were cheaply gained at $100 for the acre; and the clear acquisition of soil for highways must doubtless have furthered the plan of making them as numerous and as wide

as possible,— an advantage if the capital should ever become populous, but in the meantime a heavy burden.[1]

Major l'Enfant, a French architect, was selected to plan and lay out the new city. The highways were mapped and bounded substantially as they exist at this day, being so spacious and so numerous in comparison with building lots as to have admitted of no later change, in the course of a century, except in the prudent direction of parking, enlarging sidewalks, and leaving little plats in front of houses to be privately cared for. Streets running due north and south from the northern boundary to the Potomac were intersected at right angles by others which extended east and west. To mar the simplicity of this plan, however, which so far resembled that of Philadelphia, great avenues, 160 feet wide, were run diagonally, radiating like spokes from such main centres as Capitol Hill and the President's house; whereby a map of the city was rendered not unlike a Scotch plaid of simple pattern overlaid with small wheels. One object of projecting these avenues was perhaps convenience of a short cut to the chief government buildings, but military reasons probably operated besides; and in consequence immense public squares and awkward triangular lots were left at the intersections.[2]

This new Capital, modestly styled by the President "the Federal City," but to which the commissioners, by general acclamation, proceeded in September to affix his illustrious name, was America's first grand essay at a metropolis in advance of inhabitants. Peter the Great had conjured a capital out of a bog to commemorate the greatness of his reign. Constantine's earlier example attests the stimulating influence which may proceed from a place honored as the seat of government. There was in this moment of pride and prosperity a widespread belief that pomp and circumstance would presently attend a splendid national administration. Public credit inflated the souls it uplifted. From

[1] See 10 Washington's Writings, March 31st, 1791.

[2] According to recent estimates, 54 per cent. of the area of Washington city is given up to streets and squares, against 25 per cent. in Paris, and 35 per cent. in Vienna.

fears of party vicissitudes, of a coarse-grained democracy, and of that envy of rank and distinction which is the bane of republics, our public leaders turned in fond imagination, to repeat the story of that Tyrian city where the work of building walls, rolling up rocks, and laying out the courts, the theatres, and the senate house, went bravely on, and where the deeds of warriors world-renowned were promptly delineated in the new temple. Washington city was to be the sure abode of greatness; art and science would there find a home, and Columbia's heroic sons a lasting panegyrist. Into the lap of her only child the nation was expected to pour her most abundant treasures. A magnificent park was planned, historical columns, statues, public fountains. To each State was to be assigned an appropriate square for beautifying as it might. A national church, where all sects might worship together, figured among the imaginary improvements of this transatlantic Rome. The immortal founder himself entered with unwonted ardor into the plans projected for developing America's new Capital. Not only did he picture the city which bore his name as an instructor of the coming youth in lessons of lofty patriotism, but he prophesied for it national greatness apart from its growth as the repository of a nation. He believed it would become a prosperous commercial city, its wharves studded with sails, and all the advantages of Western traffic bestowed upon it by means of a canal linking the Potomac and Ohio rivers, which might bring Western produce to the seaboard.

The ten-mile square which at present comprised the territorial District of Columbia, inclusive of the Capital, stretched across the Potomac, taking Georgetown from the Maryland jurisdiction, and Alexandria from Virginia; two towns of fair population, quite alike in appearance, each ranging up-hill, with dingy brick dwelling-houses and a polished resident society, and each engaged in a petty commerce. The first corner-stone of this new Federal district was publicly laid with Masonic ceremonies; and though the auction sale of city lots in autumn proved disappointing, an idea prevailed that the government would gain from individual purchasers in Washington city a fund ample enough for erecting there all the public buildings at present needed.

The second Congress met at Philadelphia, on the 24th of October, as the law provided, and a quorum of both Houses was present on the first day. The first session extended to May 9th, 1792.

1791-92.

The political composition of this new legislature had not greatly altered, but there were some notable changes. Among the Senators already retired by lot were Tristram Dalton, of Massachusetts, and General Schuyler, of New York, each of them succeeded by men whom after events made unfavorably conspicuous, though of quite differing types. George Cabot, the Massachusetts Senator, who had begun by declining the presidency of the National Bank, ended his present career with accepting the charge of its Boston branch. Though not brilliant, he was a man of sound parts and a good financier; indolent and despondent, however, and placed as best pleased him when without public responsibility as the adviser of public men. But Schuyler's successor, Aaron Burr, was brilliant, intriguing, captivating in manners, a systematic seducer of women, and one whose restless and romantic ambition was the more dangerous because of his utter want of conscience and generosity. He was socially well-connected, and had, like Hamilton, won a fair military reputation in the war for a young officer, gaining on its close later distinction as an advocate at the New York bar, where these two were professional competitors under an act which disqualified all Tory practitioners. Burr's election to the Senate at this time in Schuyler's place, was due to the talent and adroitness with which he had availed himself of a feud in the rival families who managed the politics of his State; Chancellor Livingston, as it appears, having taken offence at the administration. Of the Vermont Senators, Moses Robinson was lately the governor of that newly fledged State.

In the House appeared Jonathan Dayton, of New Jersey, a delegate in the Convention of 1787, and a family connection of Burr's. Scott, of Western Pennsylvania, did not return. The stentorian Jackson had nearly lost his place, for "Mad Anthony Wayne" presented credentials in his stead; but an election contest ended in unseating Wayne,

who was reserved for a new military emergency where he could be of far more service to his country. A noticeable member of the new House was William B. Giles, a Virginian, whose career had commenced, like that of Monroe, too late in the preceding Congress to attract attention, but who now, like his industrious and high-spirited co-worker in the Senate, advanced Virginia ideas with vigor and boldness. He was one of those stalwart champions of party principles who do good service in the line, but seldom rise to be commanders. In organizing the new House a change was made in the Speakership. Muhlenberg, whose tendency was towards the opposition, was supplanted by Jonathan Trumbull, of Connecticut, a strong Federalist and a man of sterling worth.

The tendency to new party combinations in national politics was at once manifest in this body, notwithstanding a dearth of important issues. New England, and especially Massachusetts, led the Northern forces; Virginia the Southern. Hamilton's financial measures had given the lines a geographical direction, but the slavery question had no perceptible influence. Eastern men now quickly perceived that Madison and the Virginia delegates were generating a distrust of the Treasury Department. "Tranquillity has smoothed the surface," writes Ames, "but faction glows within like a coal-pit."[1]

Hamilton had not, in fact, meant that Congress should meet and adjourn without taking another step in his favorite direction of a paternal and centralizing government. He had prepared an elaborate and masterly report on American manufactures; and, notwithstanding the President's opening statement that the product of the Federal revenue was adequate for all necessities, the secretary undertook that the tariff should again be revised, or else bounties bestowed, in the immediate interest of native manufactures. It was less the immediate object of protection than Hamilton's language in this report to which the opposition, prodded by Jefferson, took quick exception, and the whole scheme, to

[1] See 1 Fisher Ames's Works, November, 1791.

the author's mortification, went over without action. Once more laying hold of the "general welfare" clause of the Constitution, Hamilton had here argued, under color of giving bounties to manufactures, as though Congress might take under its own management everything which that body should pronounce to be for the general welfare, provided only it was susceptible of the application of money. To use his own words: "It is therefore of necessity left to the discretion of the national legislature to pronounce upon the objects which concern the general welfare, and for which, under that description, an appropriation of money is requisite and proper." Though he limited this central discretion to the application of money, and stated some restrictions rather vaguely, the insidious tenor of his report was to show that (with constitutional limits as to capitation, taxes on exports and uniformity) the Federal power of raising money was plenary and indefinitely great.

A cardinal feature of this report was the recommendation that national protection be given American industries; which was to be accomplished by a system of bounties in preference to laying duties of a prohibitive character. A repeal of all duties on imported cotton as a raw material of manufacture was recommended. And the secretary further enumerated and classified seventeen manufacturing industries in America as already carried on, so as fairly to supply the home market and settle into regular trades; an exhibit which gave Hamilton's report an immense statistical value, and increased his influence among the citizens whose interests were so ably championed, while proportionately strengthening the agricultural opposition he had already provoked.[1]

Unexpected tidings from the Indian country, to be presently detailed, drew Congress to consent late in the session to an increase of the tariff, which incidentally favored some of the industries Hamilton had mentioned.[2] It was yet too

[1] The chief industries here enumerated were wood, leather, flax and hemp, iron and steel, brick and pottery, starch, brass and copper, tinware, paper, painters' colors, refined sugars, oils, soaps, candles, hats, gunpowder, chocolate, snuff and chewing tobacco. Hamilton's Report.

[2] Act May 2d, 1792, c. 27.

early for protection to become a serious policy on the part of government; but this report of 1791 furnished the armory of a political party long years after its author had passed away. As an offset to the increased tariff, Congress reduced somewhat the excise on distilled spirits, so as to make it more acceptable, if possible, to the inhabitants of Western Pennsylvania and North Carolina, who were very uneasy under it. Petitions poured in complaining that the excise act contravened private rights, by subjecting citizens to an odious search, oppressing them with penalties, and interfering with their business. The secretary's advice having been called for, he defended the act in principle and detail, but recommended the alterations substantially as Congress had agreed to them.[1] The old Colonial bounty to fishermen, in which the hardy sons of Cape Cod were chiefly interested, was restored at this session, after it was shown that the fishing bounty was a mere substitute for the present drawback on the salt used in curing exported fish, and that the fishermen much preferred their allowance in the more direct shape.[2] Upon the public debt act, which provided for outstanding certificates not subscribed to the new loans, an attempt was unsuccessfully made to ingraft a further assumption of State debts.[3]

The present expense of revenue collection was very small, being only about 3½ per cent. of the income, and this early revenue produced not far from nine times as much as the current support of the government required, leaving the large balance to be appropriated to the public debt and extraordinary expenses.

Party spirit showed its teeth at this session while a new apportionment bill was under consideration. The census of 1790, the first in our national decade, showed an aggregate population in the United States exceeding 3,920,000, inclusive of slaves. Of free whites there were some 100,000

[1] Act May 8th, 1792, c. 32; Hamilton's Report, March 5th, 1792.
[2] Act February 16th, 1792, c. 6.
[3] Act May 8th, 1792, c. 38.

more males than females, the preponderance of the latter sex being, as it has since remained, in the Eastern and more thickly settled portion of the Union. The Northwestern Territory contained, as yet, but a few hundred inhabitants, while in the slave region south of the Ohio, into which Virginia settlers had flocked in great numbers, were nearly 37,000. Slaves constituted from one-sixth to one-fifth of the whole population of the country.

In accordance with this new enumeration it became proper to reapportion the House, and the opposition were highly desirous of so enlarging the membership of the popular branch as to make it a surer counterpoise of the Senate. The Hamilton Federalists, however, were opposed to any such enlargement, foreseeing that by a change in that direction they risked their present supremacy in Congress; but as a change was inevitable they favored a representation such as would be least likely to diminish their strength. Allowing one to every 30,000 inhabitants — the largest representation of which the Constitution permitted — there would be a House of 113 members; and thus did the bill first pass this branch of the legislature. But ciphering showed that this would leave in some of the Northeastern States large fractions unrepresented, and operate directly to the advantage of the Southern opposition; so the Senate sent back the bill, changing the ratio to one for every 33,000. To this the House disagreed and the bill was lost. A second bill, which passed the House by a very close geographical vote, was vetoed by the President as unconstitutional; and this first exercise of the veto power in our history sealed the fate of the bill. A third bill was now reported which passed both Houses and became a law: namely, to allow one Representative for every 33,000, agreeably to the first proposition of the Senate, thus allowing to the House, after March 3d, 1793, 105 members.[1] In the different stages of these bills there was much acrimony of discussion. Each House divided on the test votes very closely, the Senate

[1] See Act April 14th, 1792, c. 23; Annals of Congress.

requiring more than once the casting vote of the Vice-President.[1]

Virginia led the opposition in some lesser sallies upon the Federalists, whose endeavors to keep up a high-toned government were obstructive of the popular wishes. In the Senate a strong but unsuccessful effort was made by Monroe, seconded by Richard Henry Lee, to abolish secret sessions, the vote standing 8 to 17. A Federal proposition in the House to put the President's head upon the new United States coins was assailed with more effect as an unrepublican imitation of Cæsar's image and superscription, and the device of Liberty was finally substituted instead. Though in this instance and another, where plans were being pressed for erecting an equestrian statue to Washington, it seemed as if the sentiment of the President's native State had set most strongly against him, the real animus of the opposition was directed against the Hamilton clique, from whose influence they endeavored to draw Washington; for towards him personally only the most respectful language was used.

An important act of this session related to the postal administration of the United States. Post-offices and post-roads were established in convenient parts of the country, together with a general post-office at the seat of government, and a permanent Postmaster-General. The Postmaster-General, though not yet ranking with heads of executive departments, was intrusted with important functions; but Congress determined where post-offices and post-roads should be located, instead of leaving this as hitherto to the Executive. For robbery of the mail death was denounced. Postage was graduated by both weight and distance; the rule hitherto in force and prevalent much longer in our system. Department correspondence went free for the most part. But as to granting the franking privilege to legislators, a feature then novel, permission was not accorded until after a heated debate, and then only as to matter of a limited weight, and

[1] The ground upon which the President vetoed the second bill was, that by the division under the bill eight States would take more than their constitutional ratio of one for every 30,000.

during the time members were in actual attendance in Congress. Provision was made for the conveyance of sea letters and newspapers.[1]

Long before the passage of this act Timothy Pickering had been appointed Postmaster-General in place of Samuel Osgood, whose retirement occurred in the summer of 1791. Pickering, a Massachusetts man, had a good record as Adjutant-General and Quartermaster-General of the American army during the war. He afterwards speculated in land, and settled on the Pennsylvania tract claimed by the Connecticut company, where, as clerk of Luzerne County, he bore a prominent part on Pennsylvania's behalf in those local disturbances which have already been alluded to. Being an aspiring man, of small resources, and burdened with the care of a large family, Pickering, with the aid of his Massachusetts friends, had sought to emerge from these wilds, of which he was heartily sickening, and enter the Federal service under his former chief; but Washington hesitated to call into prominent office one who was not a representative man of the State he resided in. Charged specially with some Indian negotiations, however, Pickering acquitted himself so well that the present appointment naturally followed.

Oliver Wolcott, of Connecticut, had been promoted to the comptrollership of the treasury. Simultaneously, too, with the appointment of a minister to Great Britain, Gouverneur Morris was made Minister to France, and Short to Holland. At Spain Carmichael was already our chargé. Thomas Johnson, of Maryland, took his place on the supreme bench in place of John Rutledge, resigned.

About six weeks after Congress had assembled came the news of a military disaster in the Northwest Territory, which, for a time, checked emigration into the Ohio region.

After the surprise which cost General Harmar so dearly in his campaign against the hostile Indians, Washington had resolved to send out a new and more formidable expedi-

[1] Act February 20th, 1792, c. 7; Annals of Congress,

tion. For this purpose Congress made liberal provision, and troops were enrolled and new supplies ordered. The President intrusted the command of the new enterprise to his old revolutionary friend, General St. Clair, already the governor of the Northwest Territory. In the spring of 1791, when St. Clair left Philadelphia to enrol his forces and engage the co-operation of the Western inhabitants, Washington, heedful of the Braddock disaster, as well as the recent campaign, impressed upon him earnestly the dangers of an Indian ambush. St. Clair was patriotic, a man of courage, and a good counsellor; but his direction of military affairs had not always been fortunate, and he was now past the prime of life, and troubled with bilious colic and the gout. The troops for the main expedition assembled at Fort Washington, on the Ohio River, the place of rendezvous. The regulars, including an artillery corps and squadrons of cavalry, numbered on the expedition about 2000, and there were 1000 militia. With all his effort St. Clair had procured enlistments very slowly; many of the regulars were off-scourings of the cities; the militiamen had been unused to soldierly habits. Major Hamtranck, a good disciplinarian, made the most of his brief camp opportunities to drill the raw recruits. St. Clair took the field as commander-in-chief, with General Richard Butler, of Pennsylvania, as his next in command. 1791.

A prime object of the campaign was to construct a line of forts, so as to establish a ready communication between Fort Washington and the head-waters of the Wabash. Roads were to be opened, bridges constructed, artillery wagons and military stores to be transported. Hence the progress was necessarily slow. The troops commenced their northward march about the 6th of September. They halted on the bank of the Miami River, and built Fort Hamilton at the present site of the town of Hamilton; thence continuing in the same direction to a point just south of Greenville, near the present western boundary of Ohio, they constructed Fort Jefferson. From the latter point, whence they moved October 24th, the march was toilsome; Indian scouting parties hung upon their flanks, and the utmost wariness was needful.

Whether or not St. Clair's presence failed to inspire confidence in his capacity, it had been painfully evident from the start that he could neither muster such a force as the emergency required, nor handle well what he had procured. Not only had the troops been hastily disciplined, but they were scantily supplied with food and clothing. They straggled on the march. Some would turn off to shoot game in disobedience of orders; others deserted. Their gouty commander could not walk, and had to be helped off and on his horse. By October 27th part of the militia claimed that their term of service had expired and that they were entitled to their discharge; they could only be kept by pushing on. About the 30th, sixty of the militia deserted in a body. It was feared that they would intercept and plunder a provision train in the rear, and after them St. Clair sent the first regiment of regulars, being thus obliged to detach three hundred of his best soldiers under experienced officers. Other troops had been left for garrison duty on the way.

Reduced in this manner to some 1400 effective rank and file, the invading army reached a point about ninety-five miles distant from Fort Washington on the 3d of November. They had tramped through forests whose foliage was dyed with the rich tints of autumn, falling leaves crackling in the path. The days were bright which had marked their progress to the rising ground where they were now to encamp for the night, by the side of an unknown stream, which was thought to be a tributary of the Miami of the Lakes, but in reality flowed into the Upper Wabash. There was light snow on the ground, resembling hoar-frost.

November.

Appearances indicated that Indians had lately encamped there, and a few red scouts had been seen. There was nothing, however, to apprise St. Clair that the Miami chief, Little Turtle, with Blue Jacket, of the Shawnoese tribe, and a murderous force of some 2000 warriors in their war-paint, were in stealthy concealment near by. Suspecting no danger, the soldiers early sought rest, wearied out by the day's march. The army lay in two lines on the hither

bank,— first, General Butler with the right wing, then at a space of seventy yards the left wing,— each with four pieces of cannon in the centre, while troops of horse guarded the flanks. Across the stream, which wound a tortuous course, and was fordable in places, were the ill-disciplined militia under Colonel Oldham, their place of encampment being an elevated plain covered with forest trees, beyond a rich bottom-land, three hundred yards wide.

The morning of November 4th arose bright and clear. A half hour before sunrise the troops, dismissed from roll-call, were preparing their breakfast, when the yell of the Indians was heard at the militia encampment across the stream, followed by the crack of their rifles. The militiamen, many of whom had never been under fire in their lives, fled after a feeble and scattered fire, and dashing madly over the bottom-land, and through the water, broke into the camp of the regulars, throwing into disorder the first line, which had formed quickly on hearing the alarm. The Indians closely pursued, and only a moment daunted by the bristling array of soldiers, hurried behind the logs and bushes, and there delivered their fire with such effect that the second line had to be brought speedily into action. The artillery at the centre fought bravely, but upon them the red assailants aimed their rifles, and picked them off, officers and men, with deadly certainty, as they stood by the guns unable to make their shot effective; for the Indians only showed themselves as they sprang from one covert to another, or dashed to the cannon's mouth, tomahawk in hand, while the loading was going on. St. Clair behaved gallantly, despite his disability, and, assisted upon one horse after another, or borne about on a litter, he gave his orders with coolness and decision. He wore a coarse coat, but no uniform. Eight balls passed through his clothes as he was conveyed up and down the lines, his white hair streaming. General Butler, who also behaved with gallantry, was tomahawked and scalped while having a wound dressed. After a fight of nearly three hours St. Clair ordered a retreat, and, a bayonet charge being made as a feint, the little remnant of a force now half destroyed gained the road or trail, and made rapid flight to

Fort Jefferson, which they reached at nightfall, there overtaking the detachment. Leaving enough men here for a garrison, and finding his supply of provisions short, St. Clair continued the retreat to Fort Washington, where his army arrived, exhausted and broken-spirited, at noon of the 8th, having reversed in four days a journey which had occupied nearly two months.

Little Turtle and his victorious braves did not pursue; but the butchery of the poor fellows who were left behind, worn or wounded, was terrible. The Indians, inflamed against the Americans to the utmost by tales the British emissaries had taught them to believe, showed no mercy to officer or private. They plundered and scalped their victims, crammed clay and sand into the eyes and down the throats of the dead and dying, and disfigured their corpses. Some thirty-six officers and nearly six hundred privates were killed and missing; and of the wounded there were not far from thirty officers and two hundred and fourteen men. The Indians lost probably less than one-fifth of this number. Over $32,000 of government property was lost. The flight of St. Clair's army was most disorderly. Men threw away their muskets and accoutrements and fairly took to their heels. The wounded kept up as they could. St. Clair saved himself by riding a pack-horse which could hardly be spurred into a trot.[1]

1791-92. When Washington received the first tidings of St. Clair's defeat he maintained his self-command only long enough to gain a private room, where, in presence of Lear, his private secretary, he gave way to a momentary tempest of passion;[2] but, subsiding soon into a calmer

[1] See Lossing's Field Book of 1812, with valuable citations from Winthrop Sargent's MS. Journal and Dillon's History of Indiana; also 5 Irving's Washington; 4 Hildreth.

[2] Lear has left a graphic description of the scene. "Here," said Washington, "yes HERE, on this very spot, I took leave of him. I wished him success and honor. You have your instructions, I said, from the Secretary of War. I had a strict eye to them, and will add but one word — *Beware of a surprise!* I repeat it — BEWARE OF A

mood, he determined that St. Clair should have justice. The poor veteran, whose chief misfortune had consisted in taking far too many odds in his zeal to perform a public service, hobbled up to his chief when he reached Philadelphia and the Presidential mansion, as though to a safe shelter from the popular rage; and, seizing Washington's hand in both of his, he sobbed aloud.[1] An investigation was ordered in the House of Representatives which resulted in his acquittal of blame; the more readily, perhaps, since this enabled members to put part of the fault upon Knox and Hamilton, because of the ill supply of the expedition. But so hot was the indignation of the country against St. Clair that it was impossible to keep him in commission long enough for the investigation to conclude. Whatever happier fate may be in store for the civilian, all is over with the soldier who wholly misses his ripe opportunity. The President required St. Clair to resign the major-generalship, and promptly appointed General Anthony Wayne in his place. St. Clair, however, retained the office of governor until removed in 1802.[2] Wayne's selection for the chief command, just after he had been unseated in Congress, gave offence; but the event proved Washington's good judgment.

It is not easy for the present age to conceive of the horror and dismay which the news of this Indian massacre carried

SURPRISE! You know how the Indians fight us. He went off with that, as my last solemn warning, thrown into his ears. And yet! to suffer that army to be cut to pieces, hacked, butchered, tomahawked by a surprise—the very thing I guarded him against! O God! O God! he is worse than a murderer! How can he answer it to his country? The blood of the slain is upon him — the curse of widows and orphans — the curse of Heaven!"

Mr. Lear says: "It was awful. More than once he threw his hands up as he hurled imprecations upon St. Clair." But Washington soon sat down on the sofa once more, seeming conscious of his passion and uncomfortable. He was silent, his wrath presently subsided, and at length he spoke in an altered voice and calmly. See Rush's Washington in Domestic Life.

[1] See Lossing's War of 1812, p. 50; Custis's Recollections.

[2] St. Clair's last years were passed in poverty. But in 1856 an appropriation was procured for his heirs.

to every household — to Western emigrants alike, and their parents, brothers, and sisters at the East. Broadsides circulated the narrative in a dismal doggerel, headed by a picture of forty coffins. Alarmed for their exposed frontiers, Pennsylvania and Virginia at once proceeded to raise local troops. Congress took measures in addition for filling up the existing regiments, authorizing three new ones to be raised for the emergency, and further permitting the President to appoint four brigadiers.[1] Another act, passed late in the session and limited in point of time, empowered the President to call forth the militia to execute the laws of the United States, suppress insurrections, and repel invasion from foreign nations or Indians.[2] In the militia were enrolled all able-bodied white male citizens between the ages of eighteen and forty-five, the details of the plan being left, however, mainly to the discretion of the State authorities.[3] The new brigadiers, finally commissioned after others had declined, were Williams, Putnam, Brooks, and Wilkinson.

Though all agreed that the war must now be vigorously prosecuted, Washington was blamed by some, and unjustly, as though his Indian policy had failed in moderation and humanity. To counteract such an impression a report was issued through the Secretary of War showing the origin of present hostilities. The difficulties of the present administration were certainly great; for, besides the British and Spanish, to baffle and machinate, States and individual settlers about the borders constantly thwarted the efforts of this Union to maintain friendly relations with the Indian tribes. But, in spite of all disadvantages, the Six Nations of Western New York were kept from joining these Northwestern warriors, and the famous chief Cornplanter became our cherished friend. Southern tribes were, however, quite uneasy. The Cherokees, in particular, had been incensed by white encroachments upon their lands; but a temporary treaty, giving them a money recompense, pacified them in

[1] Acts March 5th, 1792, c. 9; March 28th, c. 14.
[2] Act May 2d, 1792, c. 28.
[3] Act May 8th, 1792, c. 23.

a measure. After St. Clair's defeat disturbances were fomented by the Spanish authorities, which might have become quite serious had not Little Turtle and the Wabash tribes failed to follow up their victory.

Western emigration and the rapid peopling of the Mississippi Valley foretokened, nevertheless, the banishment of the Indian race to the regions of the setting sun, and, under existing conditions of non-amalgamation, its gradual extinction. And although for a brief space the human tide might be checked by these Indian reverses, its irresistible course pressed towards continental empire. Whether those felt this who had marked its progress from the British and Spanish watch-towers, whence they had set the red men to the vain task of sweeping it back, certainly some of our most sagacious leaders in Congress were far from appreciating the true situation, and this almost immeasurable wilderness appeared to them a probable wilderness for many generations to come.[1]

But there were speculators who had miscalculated in the contrary direction; and the whole public land policy of the United States at this period was founded upon an untenable idea, which Congress afterwards abandoned, namely, that of deriving an immediate revenue from the sale of large tracts, and trusting the whole plan of colonization to mercenary purchasers or proprietaries. Instead of encouraging the honest pioneer by affording a cheap pre-emption right, or giving him outright the farm which he had improved as his homestead, Congress left him to bargain with land companies, whose greed proved greater than their gain. Five millions of acres, extending along the Ohio, from the Muskingum to the Scioto, were sold to the so-called "Ohio Company"; and one Symmes, of New Jersey, bought two millions of acres between the Great and Little Miami rivers, which included the present site of Cincinnati. It was under such auspices that the colonization of Ohio commenced; and the consequence was disappointing to all concerned. The price

[1] See Ames, Goodhue, and others in the debate upon the Capital question, 1790.

of small parcels was placed as high as possible, for these proprietors were not Winthrops, Penns, or Calverts, generously ambitious of founding States, but over-confident speculators, figuring for a rise. The ruder pioneer, respecting law but little and the capitalist less, settled wherever he found a vacant spot that suited him, and, after cultivating the land and building his hut, defied all writs of ejectment. Before 1789 troops had been sent, under General Harmar, to drive these squatters, so termed, from the public domain. They burnt the cabins, broke down the fences, and tore up the potato patches, but three hours after they left the inhabitants returned.[1] An effort was made in the first session of Congress to induce government to sell directly to the settlers, but the influence of speculators and the jealousy of older States, dreading the depletion of their own population, prevented action. In the end most of the large land speculators were ruined; purchasers from them showed constant discontent, and very little public revenue from territorial sales was actually realized. The lesson that our general gain must come indirectly and from the slow accretions of wealth in a domain thrown liberally open to cultivation and enlightenment was yet to be learned.

Private ventures in Western lands, however, attracted, at this period, less attention than speculative enterprises nearer home. The sudden prosperity of the country, the quick bloom of a public credit, and public confidence surpassing all experience, gave to private capital an astonishing buoyancy. More especially did the recent subscriptions to the national bank, and the rapid rise in the value of its shares, stimulate the extravagant hopes of people at our large centres, who never before understood how fortunes could be made in a day except by the familiar wheel of the lottery. Grand schemes of internal improvement were at once projected in the wealthier States; bridges were to be built and canals opened. Tontine and insurance associations asked for acts of incorporation, but the charters which most pressed

[1] See Scott's speech, Annals of Congress, 1789.

upon the local legislatures were for new banks. "Scripophobia," as the press termed it, was America's madness in the summer of 1791; men gambled recklessly in bank scrip and government securities, and to a bewildered public, who, for the first time, saw such commodities regularly auctioned off and their market rates quoted, it was found needful to set forth a full explanation of the strange phenomenon.

New York city was the hotbed of these feverish speculations at which sober people stood aghast. Here banks soared like soap-bubbles, the most foolish of them being styled the "Million Bank of the State of New York." A ring of speculators, chief among whom was Hamilton's late assistant, Duer, who had resigned in the summer of 1790, hovered about the treasury with ears pricked up to catch its latest secrets. When Hamilton dropped a hint about taking up the deferred debt, they started their agents to buy in the certificates wherever they could. Duer, as it appears, had an assignment of the contract for the St. Clair supplies. But a collapse came early in 1792. Duer became insolvent and was thrown into jail by his creditors; others of his set fled to New Jersey; there were many failures in the spring, and for large amounts.[1]

Hamilton himself, we may feel assured, was not corruptly concerned in these transactions. But his sudden elevation as the Merlin of finance seems to have tempted him, at this golden hour of his career, to use his wand of enchantment as a sceptre to command others. Confident in himself, looking to new political conquests, and understanding, as always, both the strength and the ability of his political enemies, he sought not the general enrichment simply, but in particular that of the moneyed class and New York capitalists, whom he hoped to draw closer by the insidious use of money favors after the British plan of attracting the powerful. Douceurs, subsidies, and commissions, too, were bestowed to keep the agents good-humored through whom he was effecting his loans. He had, soon after entering office,

[1] See current newspapers, 1791-92; Correspondence of Madison, Ames, and others, 1791.

refused treasury information to one who asked it, reminding him that suspicion is eagle-eyed;[1] and yet in his anxiety to save Duer and his other personal friends from ruinous schemes he was afterwards betrayed into indiscreet confidences. Impatient of control, as he always was, and desirous to strike at what he considered the right moment, no matter whether Congress or an executive stood in the way, he sent out secret orders for purchasing debt certificates in advance of an official authority, which ought first to have been procured. The president of the bank in New York where Hamilton kept his private account, which was sometimes overdrawn, had frequent occasion to be "the dispenser of his benevolence," as he called it. And a manufacturing company having been established by Hamilton's influence for his own friends, our secretary promised that the bank should suffer no diminution of "pecuniary facilities" from any accommodation it might render this concern; or, depositing public funds there, his assurance would be volunteered not to draw them out so as to embarrass the institution.[2]

While the head of this nation's treasury was thus feathering the nests of his favorites, and administering his department after the style of a Hobbes philosopher, public suspicion became directed towards him, without, however, any tangible proof of criminality. Malice or jealousy inspired much, doubtless, of the abuse now directed towards him. Nor, assuredly, did compeers hold that key which seems best to turn the wards of his wayward inner nature — namely, the effort to reconcile spotlessness of public ends with the employment of means not spotless. The danger which besets such a nature in high station is the gradual and imperceptible dry-rot of virtue; and Hamilton at precisely this pinnacle of his career, though of a truly noble disposi-

[1] 2 Hamilton's Works, December, 1789.

[2] See Hamilton's published Works, 1791-92. The filial editor of Hamilton's voluminous correspondence, in his zeal to establish the pervading influence of Hamilton upon events of the day, has lately printed much testimony tending to convict him of some damaging charges made by political opponents, who were themselves unaware that such letters existed.

tion, betrayed in his elation unmistakable symptoms of that disorder. By his own confession, now made secretly to an investigating committee, and openly years later,[1] he carried on an adulterous amour in a quarter which exposed him the more to these other suspicions.

The cry was now echoed and re-echoed by the opposition papers that national stock-jobbing, monarchy-jobbing, bank-jobbing, and aristocracy-jobbing went on; that poverty ruled in the country and luxury in the cities, 1792. corruption and usurpation in the public councils. There were riots in New York upon Duer's failure, so that the mayor had to invoke peaceable citizens to aid the authorities; stocks fell and for a brief space there was business stagnation and depression in the city. The Vice-President was abused for *Davila*, the Secretary of War for his national legions and the St. Clair expedition; but the Secretary of the Treasury, with his reports "dangerous to liberty" and his "corrupt squadron," was the most abused man in the cabinet by the spring of 1792. Congress had not adjourned without abolishing the office of assistant secretary, which Duer had disgraced, and otherwise curtailing the functions of the treasury, besides extending the statute restraints upon all speculating tendencies of public officials.[2] There had been flings, too, in debate, at the national bank as a machine for promoting the objects of the moneyed interest and corrupting the people's representatives.[3]

These political opponents of the Hamilton Federalists had now begun to assume the regular style of "Republicans." To Federalists, however, who prided themselves upon their own party name, it seemed rather a Southern faction, "outs," who were jealous of the "ins," the old dregs and fæces of Anti-Federalism once more in ferment. On their own part, the present fealty of Federalist leaders was not so much to the Constitution, in which all classes of citizens now fairly acquiesced, as to the broad construction of constitutional

[1] See c. 4, *post*.
[2] Act May 8th, 1792, c. 37.
[3] Annals of Congress; Giles's speech.

powers, and to the funding, the bank and other great features of the Hamilton system of finance. Hamilton himself originated the ideas which they supported. Voters will cling long to party names and traditions and to party favorites, under any circumstances; and, with Washington at the head, patriots, irrespective of party, were well satisfied. The common people as yet had not learned to use their strength; and Ames put the patrician idea modestly enough when he asserted that "the men of sense and property, even a little above the multitude, wish to keep the government in force enough to govern."[1] As against Virginia and North Carolina, the States where these opposition elements were becoming most active, and whose legislatures had recently led off in attempting, among other popular measures, to force open the doors of the United States Senate, the Federal leaders, strongly dominant in New England, hoped to win by keeping New York and the Middle States in alliance on their own side.

While conservatives, aristocrats, the commercial class, the timorous, and all friends of a powerful central rule thus gravitated towards Hamilton as their natural leader and exponent, the liberty-loving, those jealous of class supremacy and court manners, they who detested money-changers and the new methods of growing rich, together with the floating remnants of the Anti-Federal and State rights party, were irresistibly attracted towards Jefferson, whose superior talents and social eminence made his devotion to their cause appear all the more captivating. Probably no two men holding subordinate station under an American President can ever again so strongly influence powerful parties by their personal example as did Hamilton and Jefferson in this and the succeeding years. Nor was their present influence owing so much to their rival ambitions as to the genuine devotedness of each to the politics and political methods he professed.

Jefferson was unsparing and vehement in denouncing Hamilton's political designs, which, for one excluded from bosom confidence, he divined by no means incorrectly. His

[1] 1 Fisher Ames, 103.

charges gained force by constant reiteration, and many of the stinging epithets which circulated in the press were of his own making. He was a master and a skilful and cunning organizer in this sort of skirmishing, and his opposition was all-pervading. Jefferson did no injustice to Hamilton's colossal abilities, while Hamilton made the error of underrating Jefferson, as he did almost every one with whom he was brought in contact, Washington not excepted. Jefferson's hatred of British methods and of the apparent subserviency of our treasury to the grasping selfishness of a money-making class, was intense. In Hamilton's present financial policy he thought he perceived dangerous tendencies, not undesigned. But he was not himself quite at home in finance; as regarded Great Britain, he believed the British debt, rolling constantly onward, would some day bring the British nation to bankruptcy; and a similar national debt for the United States, never to be paid, but always to remain as an artful contrivance for keeping moneyed men and the administration in close and profitable alliance, while the nation groaned under taxation, was, and most likely with injustice, his present interpretation of the treasury projects. As for preserving the public faith by keeping up the public credit, Hamilton and Jefferson were not at actual variance, though by his present attacks upon the national bank and a national excise the latter appeared at disadvantage in this respect. His State, too, sedulous in preserving faith with its own creditors, had yet confiscated British demands without remorse. For the stock gambling and speculations of the day Jefferson had the profound contempt of an agriculturist, accustomed to plain bargain and sale. He detested paper money and all business which thrived by scrip fluctuations and note-shaving. His theoretical ideas on government operations were simple, but hard at present to carry out: namely, to keep no irredeemable paper afloat, to limit funding to a redemption of the debt within the lives of a majority of the generation contracting it, and to authorize no loan without at the same time providing funds for its redempti n. "There can never be a fear," he writes, "but that the paper which represents the public debt will be

ever sacredly good. The public faith is bound for this, and no change of system will ever be permitted to touch this."[1]

Hamilton perceived the course Jefferson and Madison and their State were taking, and was very angry. Conscious that his protection and other schemes were balked, he wrote soon after Congress adjourned to a Virginia friend, charging the Jefferson faction with a womanish attachment to France and a womanish resentment against Great Britain, while he himself wished the neutral and pacific policy pursued. Jefferson, "a man of profound ambition and violent passions," he adds, "is seeking the Presidency." As to the current talk of a monarchical party, which plotted destruction, he declared there was no such party, and though some had ideas less republican than Jefferson and Madison, they would regard any attempt to subvert the republican system as criminal and visionary. "I myself," he avers, "am affectionately attached to the republican theory, and desire to demonstrate its practical success. But as to State governments, if they can be circumscribed, consistently with preserving the nation, it is well; and if all States were of the size of Connecticut, Maryland, or New Jersey, all would be right. But as it is, I seriously apprehend that the United States will not be able to maintain itself against their influence. Hence I am disposed for a liberal construction of the powers of the national government."[2]

Washington now saw, with manifest concern, the growing enmity of his two chief advisers, who, ever since they had put him to a choice in advising upon the national bank measure, had been breaking apart. In his own lofty soul party spirit could find no lodgment, but he meant to treat each public question impartially as it arose, according to his sense of right, leaving those who would to frame original measures for Congress to act upon. He could not have been unaware of the diverse views held by those he invited into the public councils, nor had he at the outset thought it a disadvantage to take the advice of men who viewed public measures from

[1] Jefferson's Writings, March 18th, 1792.

[2] Hamilton's Works, Letter to Carrington, May 26th, 1792.

opposite standpoints. Yet he appears not to have well considered how hardly two such spirited opponents as Hamilton and Jefferson would pull when harnessed together; or else he must have trusted too implicitly to his own arbitrating faculty as the means for keeping their ambitions well in hand, and directing the mettlesome span in a straight course. He was now wearied of contentions over issues less portentous than that of preserving liberty and union. All the public honors worth living for he had enjoyed. He was growing deaf; he feared that other faculties were failing him; old age was creeping on; his spirit yearned for peace and retirement. Of his intention to close his public career at the end of the present term he had spoken nearly a year before to members of his cabinet, and he now renewed the subject with Madison, and perhaps others, with the design of preparing a farewell address. The attacks which were made upon his subordinates in administration he took to himself; he smarted under the growing censoriousness of the press. "I would rather," he exclaimed, "go to my farm, take my spade in my hand, and work for my bread than remain where I am."[1]

Both Hamilton and Jefferson, by this time thoroughly alarmed at the prospect of having a national contest precipitated thus early, urged Washington to stand for a second term. "The confidence of the whole Union," writes Jefferson to Mount Vernon, "is centred in you. Your being at the helm will be more than an answer to every argument which can be used to alarm and lead the people in any quarter into violence and secession. North and South will hang together if they have you to hang on."[2] Randolph and Madison enforced the same general idea, which Hamilton also expressed, that the affairs of the new government were not sufficiently established to warrant Washington's retirement. Each faction appears to have been afraid of what the other might do should such a contingency now occur.

[1] See 1 Madison's Writings, 563–568.

[2] Jefferson's Works, May 23d, 1792. And see 10 Washington's Writings, May–August, 1792.

Jefferson had not intended taking any unfair advantage of his official position while warring upon Hamilton. By the close of February, 1792, he had expressed to Washington his own intention of vacating office when the present Federal cycle was completed, at the same time frankly setting forth the grounds of his distrust of the treasury set.[1] The President, in an affectionate response, sought to dissuade him from resigning, throwing out the idea that the retirement of a Chief Magistrate ought not to disturb the status of department heads. A confidential conversation took place between them in July, when Washington referred to the causes of Jefferson's present dissatisfaction. He thought there were suspicions against a particular party or faction which had been carried altogether too far; there might be desires but he did not believe there were designs to change the form of the government into a monarchy; there might be a few who wished it in the higher walks of life, particularly in the great cities, but the main body of the people in the Eastern States were as steadily for republicanism as in the Southern. From this Washington proceeded to condemn certain late publications, particularly those in Freneau's paper, which tended to excite opposition against the excise and to produce dissolution and anarchy. "I take to myself," he says, "these attacks on my administration; in condemning the administration they condemn me; the attack is directly on me, for I must be a fool indeed to swallow the little sugar plums here and there thrown out to me." Proceeding thus, Washington observed that he had not approved all acts in all parts, but he had never signed a bill without, on the whole, thinking it eligible; that, as to the bank, about which there had been so much complaint, until there is some infallible criterion of reason a difference of opinion must be tolerated. To these and similar remarks Jefferson responded, reiterating the views he had expressed in his own letter, and upon a random discussion of such points the interview ended.[2]

[1] Jefferson's Anas, July 10th, 1792. The same intention was expressed by letter in March.

[2] See Jefferson's Anas, which is here worthy of credence.

Washington was not unimpressed by what Jefferson had said, for shortly after he put pointedly to Hamilton himself, by letter, the charges his cabinet colleague had preferred, but in a skilful way, as though they came from various Virginia sources. Yet, as he proceeded to copy the complaints almost *verbatim* from Jefferson's letter, it is not unlikely that Hamilton recognized their source.[1] Hamilton's reply was spirited, and met the charges point by point. He defended his financial policy in detail, the duties on imports and excise, the bank paper, and as to corruption made indignant denial. The members of Congress assailed, so he responded, are men of virtue and independence; several, to be sure, are owners of public debt in various ways, some as creditors, others as purchasers, but very few were ever considerable dealers. Several of them became owners in the bank, some to a large amount; but all operations of this kind were necessarily subsequent to the determination of the measure. Thus parrying Jefferson's insinuations of a purpose on his part to gain an insidious corrupting influence over members of the legislative branch, Hamilton next made emphatic denial of the charge that he had an ultimate object of making way for a change to monarchy. To conceive such plots would take too long, and in his own mind the only possible way to monarchy was to flatter popular prejudices, and so throw affairs into confusion, that finally the people, tired of anarchy, might take refuge in a monarchy. Hamilton intimated a wish to make some constitutional change in the judiciary, so as to bring a more intimate connection between the State and national governments, and he made the countercharge of a plot on the other side to overturn the general government and erect the separate power of States upon its ruins.[2]

But before Washington wrote, Hamilton had chosen his own means of making an open breach with his rival, so as

[1] Washington's Writings, July 29th, 1792.

[2] See 5 Hamilton's Republic, 43; Hamilton's Works, August 18th, 1792.

to force him from the cabinet, besides making his party contemptible in the fall elections. In Fenno's *Gazette* one "T. L." called attention, July 25th, to the fact that Freneau received a salary from the government, and made inquiry whether this salary was paid him for translations or for publications whose design was to vilify the administration and disturb the public peace. A communication followed about a week later signed "An American," which in a scathing style made the charge that Freneau's *Gazette* had been instituted by the Secretary of State, and that its editor was regularly pensioned by public money at the disposal of that officer. This latter charge was met by a published denial from Freneau himself, accompanied by his affidavit that his coming to Philadelphia had been his own voluntary act; that as an editor of a newspaper he had never been urged, advised, or influenced by Mr. Jefferson, who had never directly or indirectly written, dictated, or composed for it; that a paltry clerkship of $250 per annum, which he held from government, was not a new one created for his special benefit, and that his paper was controlled according to his own editorial judgment. To this "An American" rejoined, stating the charge still more offensively, and commenting on Freneau's affidavit as evasive in its language.

"T. L.," "An American," and a third writer, "A Plain, Honest Man," were no other than the Secretary of the Treasury himself, who had always a fancy for accosting the public in strange disguises, after the example of the Eastern Caliph. This charge against Freneau, not wholly false, he now thrust home remorselessly, though positive evidence, which he tried, meanwhile, to procure through Boudinot and Dayton, was not forthcoming. But Freneau was only the man behind the arras; for it was his patron, Jefferson, that Hamilton sought with rapier's point. Indeed, "An American" attacked Jefferson personally in these letters as emulous of heading a party whose politics had aimed at deposing the national authority, as an Anti-Constitutionalist at the outset, as one who, while in Europe, had suggested a dishonest transfer of the French debt, as a man who now arraigned the principal measures of government

with indiscreet if not indecent warmth. Jefferson, who was at the South, made no reply, but in his absence others defended him in the press.[1]

Washington comprehended the situation at once, and writing from Mount Vernon to each of his two secretaries, tried to compose this new strife, avowing it as his earnest wish and hope that, instead of these wounding suspicions and irritating charges, there might be mutual forbearance on both sides, without which the wheels of government would clog, and its enemies triumph.[2]

Jefferson, responding from Monticello, poured out his wounded feelings in a passionate strain unusual to him, admitting freely that dissensions had taken place among those nearest Washington and his deep concern at the fact. He declared that he, for his part, embarked in the government with a determination not to intermeddle with the legislative or other departments, and in general had adhered to it, while Hamilton's course had been the reverse, caballing against State measures, and seeking a vicious influence over members of Congress. "That I have utterly, in my private conversations, disapproved of the system of the Secretary of the Treasury," he proceeds, "I acknowledge and avow, and this was not merely a speculative difference"; but he had not intrigued with his own friends in the legislature, only leaving them to pursue their sense of duty. Turning to the charges made against him in Fenno's *Gazette* by Hamilton,—"for neither," he says, "the style, matter, nor venom of the pieces alluded to can leave a doubt of their author,"—he proceeds to answer them; declaring that, as to funding measures, no man was more ardently intent than himself to see the public debt soon and sacredly paid off, but that while he wished it paid off to-morrow, Hamilton wished it never paid off, but always to be a thing wherewith to corrupt and manage the legislature

[1] See Boston Centinel, Fenno's Gazette, etc.; also 5 Hamilton's Republic. John C. Hamilton thinks a letter on the side of Jefferson, signed "Aristides," was begun by Madison and continued by some one else.

[2] Washington's Writings, August 23d, 26th, 1792.

Contrasting with bitterness the patronage of the treasury with that of his own, Jefferson explained, but not with entire candor, the circumstances of Freneau's employment as his translating clerk. He admitted his encouragement of translations in the new press from a foreign journal, and his general expectation that Freneau would chastise aristocratical and monarchical writers and give place to articles other than those of the *Davila* stamp, though not criticising the proceedings of government. But he solemnly denied other or more intimate influence over Freneau exerted on his part, or the procurement of insertions of words or sentences in his or any other paper to which his own name or that of his own office was not affixed. "As to the merits or demerits of his paper," he adds, "they certainly concern me not. He and Fenno are rivals for the public favor. The one courts them by flattery, the other by censure, and I believe it will be admitted that the one has been as servile as the other severe. But is not the dignity and even decency of government committed, when one of its principal ministers enlists himself as an anonymous writer or paragraphist for either the one or the other of them? No government ought to be without censors; and where the press is free no one ever will. If virtuous, it need not fear the fair operation of attack and defence. Nature has given to man no other means of sifting out the truth, either in religion, law, or politics. I think it as honorable to the government neither to know nor to notice its sycophants or censors, as it would be undignified and criminal to pamper the former and persecute the latter."

For the rest, Jefferson renewed determination to retire the next 4th of March, to which day he looked forth, "with the longing of a wave-worn mariner," and while assuring Washington from a regard for his personal feelings to defer newspaper controversy in the meantime, he reserved the right of appealing then to the country, should his own justification require it, and this over his own signature.[1]

Hamilton's reply was in language scarcely more temper-

[1] Jefferson's Works, September 9th, 1792.

ate; but though filial in tone towards his chief, and apparently desirous of smoothing the path of his administration as far as possible, he declined for the present to recede from the course into which he conceived that the Secretary of State had forced him. To this conduct he declared himself compelled by reasons both public and personal. "I know," says Hamilton, writing from Philadelphia, "that I have been an object of uniform opposition from Mr. Jefferson from the moment of his coming to the city of New York to enter upon his present office. I know from the most authentic sources that I have been the frequent subject of the most unkind whispers and insinuations from the same quarter. I have long seen a formed party in the legislature under his auspices bent upon my subversion. I cannot doubt, from the evidence I possess, that the *National Gazette* was instituted by him for political purposes, and that one leading object of it has been to render me and all the measures connected with my department as odious as possible." But on his own part, he proceeded to say, he never countenanced retaliation but rather the reverse, and it was only when he no longer doubted that there was an organized party deliberately bent upon the subversion of measures which in its consequences would subvert the government — particularly in imperilling public credit and making the funding system odious — that he considered it his duty to take his present course.[1]

So far as Hamilton's object in this newspaper attack may have been to drive Jefferson from the cabinet, he had been anticipated, as we have seen, by Jefferson's own offer to retire. With regard to making him obnoxious to the people, the effort was futile, for the unimpassioned public will never rebuke a citizen for setting up a censor of those who rule; and, besides, the present accuser was perceived to be the prosecutor of his own complaint. Indeed, as a politician, Hamilton was making the constant mistake of contending in single combat. So intent was he upon the thing to be said that he heeded too little the manner of saying it. His style

[1] Hamilton's Works, September 9th, 1792.

of writing, as of speaking, was clear, compact, strong; and yet there was a dictatorial tone in his utterances which betrayed a mind too full of its own cogitations to permit those of others to ferment there. But Jefferson's easy, half-careless style, which presented ideas in striking imagery or felicitous turns of expression, enveloped his sinewy argument; and though his writings might betray partisan action, yet a strain of humane tenderness, of hopefulness, and lofty zeal appeared, while he seemed to lean upon the counsels of those he was guiding. With Hamilton it was always *tête d'armée*, and often did those he sought to persuade turn angrily, as though to escape being bayoneted by his argument. In all of Hamilton's voluminous correspondence there is not to be found a phrase expressing hearty admiration, either of the American people or of the great leaders with whom he associated in life, though his words of discontent or disparagement were not few.

In view of a second Presidential election a law had passed Congress which prescribed the electoral formalities, and designated the president *pro tem.* of the Senate as the proper head of the nation, in case both the Presidency and Vice-Presidency should become vacant.[1] The election of electors was held in the fall. It needed only Washington's consent to serve again to render him the unanimous choice, both of the electors and the country, for the first office. Hence the efforts of the opposition party were directed to capturing the Vice-Presidency and as many Congressional districts, under the new apportionment, as possible. In the latter respect they were quite successful; but John Adams polled the Federal vote handsomely for the second office, and was re-elected; all the electoral votes of New England, New Jersey, Delaware, Maryland, and all but one in Pennsylvania and South Carolina being cast for him. The strongest man of the opposition, Jefferson, was to all intents ineligible as Vice-President, while such another, a Virginian, obtained the electoral vote for President; so George Clinton received

[1] Act March 1st, 1792, c. 8.

the support of the new party, carrying the entire electoral colleges of New York, Virginia, North Carolina, Georgia, and one vote from Pennsylvania. Jefferson was complimented by the vote of Kentucky, while Burr had a vote in South Carolina.

Clinton's large following, notwithstanding his objectionable State rights record, showed not only that the new party was under good discipline, but that the alliance besides was a close one between the new Constitutional Republicans and the old Anti-Federalists. That Clinton, too, could have procured the entire electoral vote of his own State this year was still more singular; for in the spring election for governor he had been actually defeated at the polls by John Jay, and was only kept in office by an adroit artifice not at all creditable to his supporters. Jay and Clinton, as it appears, ran so nearly together that a few hundred votes actually turned the scales; but in certain of the counties which gave Jay a majority the returns were not transmitted by the sheriffs after the precise requirement of the law; hence, by seven to four, the State board of canvassers determined to throw out these returns, and, in fact, burned them up afterwards, so as to give to Clinton the technical majority for governor. Burr had played to secure the Federal State candidacy for himself, but upon Hamilton's open espousal of Jay he tacked about, and it was his legal argument before the canvassers upon which they rested the justification of their conduct. There was intense excitement throughout the State over this inequitable count; friends of liberty in New York city called a mass meeting in front of Trinity church, several duels grew out of the political imbrogio, and Jay's more ardent supporters were for escorting him to the State Capital and there inaugurating him, whether peaceably or forcibly. But the Chief Justice, who was a man of peace, soothed the angry commotion, and at length prevailed upon his supporters to wait until the next election and then redress their wrongs at the ballot-box.[1]

[1] See newspapers, May–June, 1792; 5 Hamilton's Republic; 11 American Museum.

The serious opposition of the mountaineers in Pennsylvania and North Carolina to the excise on distilled spirits had not insensibly operated upon the elections, besides stimulating Hamilton in his open assult upon Jefferson. Freneau's *Gazette* had gone very far beyond Jefferson and Madison in exciting opposition to a system which they themselves admitted could not, after the assumption act, be dispensed with; influencing Philadelphians, in fact, to organize for embarrassing the execution of the laws. Scotch Presbyterian settlers, honest but hasty in action, occupied much of the Western Pennsylvania region, long sore over disputes which antedated the new Federal government; and among the Alleghanies were most of the whiskey stills whose product was taxed. Under the late excise law Federal inspectors were stationed in each county; but the inhabitants of Western Pennsylvania would not permit men to take the odious office, and in Washington County, where one of the inhabitants allowed his house to be used for an office of inspection, the mob compelled the office to be removed under threats of burning the house down and tarring and feathering the owner. At Pittsburg a convention of the four western counties assembled, whose proceedings, however, were not more violent than the passage of resolves which declared internal taxes upon consumption destructive of liberty; and which proclaimed it a duty to persist in remonstrances to Congress and "in every other legal measure" that might obstruct the operation of the present law. Non-intercourse with those accepting office for collecting the whiskey tax was threatened besides. At this convention, James Marshall, one of the early settlers and a man of influence, David Bradford, a pettifogger, whose ambitious schemes developed later, and the since famous Albert Gallatin took leading parts.[1]

Aug. 21.

Hamilton was for instant repression, regarding the lan-

[1] Gallatin afterwards regretted his connection with this convention, for, though the proceedings were not directly unlawful, — being kept within such bounds of expression by his earnest efforts, — they tended to lawlessness. Adams's Life of Gallatin.

guage of these resolutions as a high misdemeanor. But the President, now at Mount Vernon, comprehending the extreme delicacy of his task, agreed only to issue a proclamation, drafted by Hamilton, and approved at Philadelphia by Knox and Randolph; first, however, sending it to Monticello that Jefferson might see and countersign it. The effect of this proclamation was, on the whole, tranquillizing, and in North Carolina, more especially, the excise disturbances ceased. Prosecutions were afterwards ordered at the instance of the Treasury, against those concerned in the Pittsburg convention, but nothing could be found to sustain an indictment.[1]

When Congress met, November 5th, the excise troubles made a prominent feature of the President's message. Little was accomplished, however, while this second session lasted, in respect of legislation upon any subject; and the four months which remained were given over, for the most part, to a fruitless debate, in the course of which House opponents of the Federalists showed themselves elated at the prospect of ruling in the next Congress, while at present they were in the minority. Nov. 5.

The Indian policy of the government came up under various aspects, but the only important result reached was in the shape of an act, founded in Washington's recommendation, which regulated the trade with Indian tribes by requiring that traders should be licensed by the President, declaring certain crimes, and forbidding all irregular purchases of land in the Indian country.[2] The present Indian situation was far from promising; military operations were delayed, the War Department was not vigorous, enlistments went slowly, and Wayne had encamped at Pittsburg for the winter, unable to take the offensive. This autumn the Northwest Indians, though not actively aggressive, were implacable, and their defection had begun to extend to the

[1] See correspondence, Washington and Hamilton, August–September, 1792.

[2] Act March 1st, 1793, c. 19.

Southwestern country, where the Spanish authorities appear to have intrigued to prevent the Creek treaty of 1790 from going into effect, and part of the Cherokee nation raided upon our citizens in the Tennessee country. Little had come of Washington's efforts towards a general pacification, as he admitted in his message, and officers of our army, sent with conciliating messages to the Northwest tribes, had been barbarously murdered. There was now much harsh criticism in Congress of the Indian war, with its great cost and little gains, and when the House report on the St. Clair expedition came up from the previous session, severe reflections were cast upon the War and Treasury management; but this report being recommitted, a later one tended to exonerate Knox and Hamilton and put the essential blame of failure upon St. Clair himself.

The chief move of the Republican part of Congress was now against Hamilton personally, and a concentrated effort was made to break him down as he had tried to break down Jefferson; but the effort signally failed.

The people, as the late campaign showed, were strongly for entering upon the regular reduction of the public debt, a system to which Hamilton's enemies constantly alleged that he was personally inimical. The opening message announced the President's own readiness to commence such a course; but when it was proposed to call upon the Secretary of the Treasury to report a suitable plan for that purpose, so loud was the clamor against executive interference with the right of the House to originate its own money bills, that the resolution of reference was carried with difficulty, though in strict accordance with Congressional precedent, and in a House still controlled by the secretary's party friends. In the report which Hamilton was thus reluctantly permitted to hand in, he expressed himself strongly in favor of extinguishing the Federal debt; but, in view of the present Indian war, he professed his inability to meet regular interest and the payment of the annual instalments, besides current expenses, unless one of two courses were taken: (1) To negotiate new loans under the existing pledges at lower rates of interest, or, (2) to lay an

additional tax. Preferring the latter course, he recommended the levy of an excise tax on horses and carriages. This put his opponents in the dilemma of appearing less inclined than himself to begin the work of reduction in earnest, or else of entering further upon a system of taxation which they detested. With reference, at the same time, to paying up at once the $2,000,000 loan, now running at 6 per cent., which the Bank of the United States had advanced as an offset to the stock subscription of the government, Hamilton proposed its payment by borrowing the sum at a lower rate of interest, and then appropriating part of each dividend on the government stock to paying the interest as it should accrue. As to this latter scheme it was objected, when a bill, drawn in accordance with the secretary's views, was presented to the House, that there was bank favoritism at the bottom of it. And Giles's suggestion that the United States should sell out its stock instead, so alarmed the bank men that they allowed a bill to be substituted which provided for no more than the instalment of the $2,000,000 actually due.[1] As to increasing internal taxation at this time for the redemption of the debt, the House took no action.[2]

But the distrust of Hamilton, his plans, and his figures did not stop here. The Virginia delegation, under the nominal lead of Giles in the House, presently made sharp inquest of the Treasury Department and the secretary's management.[3] This new assault consisted in a cumulative series of calls upon the President and Secretary of the Treasury, to explain certain transactions in which the latter figured. The inquest, which commenced towards the close of December, sought to lay open the management of all financial affairs of the department except excise and customs, including the negotiation of foreign loans, the use of moneys which had come into the sinking fund, the deposit

[1] Act March 2d, 1793, c. 25.

[2] Annals of Congress, 1792-93.

[3] It is claimed that drafts in the Department of State show that Madison, who voted with Giles, directed this attack. 5 Hamilton's Republic.

of unapplied proceeds, and, what was more startling, an apparent discrepancy in the public accounts to the extent of $1,500,000.

Hamilton and his friends, with great discretion, gave the inquiry full scope, and though there hardly appeared time enough to answer the questions put to him in this short session, the secretary shut himself up and worked with his subordinates night and day to meet the investigation, sending in his replies to the interrogatories by instalments as fast as they were prepared. It soon appeared that, however intricate might appear the operations of his department, and whether or not, as charged, he purposely kept them so, Hamilton held the thread very firmly himself. He disposed of the most offensive imputation of all by explaining the bookkeeping method he pursued. Of favoritism in the suspected quarters he fairly acquitted himself, and it was proved clearly that his general loan operations had constantly redounded to the credit of the government, a point in his favor which he took care should not be kept out of sight. The worst that was actually inferred from a comparison of his statements appears to have been his own admission that he assumed authority, in certain instances, without strict regard to the letter of the law or the suitable sanction of others; but this course, which had produced no real mischief to the country, that could be discerned, betrayed little more than a characteristic disregard of formal restraint in his zeal to accomplish not uncreditable results.

Upon this last revelation, however, and without deliberate investigation of the point, Giles sought to press resolutions of censure. The division of the House quickly showed that the prosecutor had overshot his mark, and rallying with unconcealed delight as their opponents drew back, Hamilton's friends accepted the issue instantly upon the written questions and answers. Upon these resolutions, one by one, which complained of Hamilton's technical disregard of legal restraints in certain instances, a vote was forced, and a night session procured their defeat by a majority large enough to be claimed an ample vindication

March.

of their favorite against foolish and invidious persecutors.[1] It was the bad management of the Virginia opposition, and their indiscreet zeal in hastening an investigation before a House controlled by the opposite party, at a season when it was impossible to expect clear and full testimony to be collated upon the involved transactions of the treasury, which here most surely humiliated them.

Yet, after all, the secretary's supporters were not strong enough to carry any of the financial measures he had just recommended. And with the exception of a new registry act, framed in the interests of vessels wholly owned and commanded by citizens of the United States,[2] and an extradition act which provided that interstate fugitives should be restored in accordance with the provisions of the Constitution, besides the Indian act already referred to, this session of the second Congress was barren of important results. The fugitive slave sections of this extradition act, which had originated in the Senate, attracted no apparent attention in the House, and very few voted against the bill; nevertheless, in after years they gave a political direction to the nation far beyond any other measure of the present Congress. Thus frequently does it happen that laws which most powerfully impress the social manners and destiny of a whole people are silently enacted by the legislators who wrangle bitterly over measures which may prove of the slightest permanent consequence.[3]

[1] See 5 Hamilton's Republic; Annals of Congress, 1793. Madison voted with Giles in the minority.

[2] Act December 31st, 1792, c. 1.

[3] Act February 5th, 1793.

CHAPTER III.

SECOND ADMINISTRATION OF GEORGE WASHINGTON.

SECTION I.

PERIOD OF THIRD CONGRESS.

MARCH 4, 1793 — MARCH 3, 1795.

WASHINGTON'S second inauguration, in conformity with the advice of his cabinet, was devoid of special ceremonial. He took his oath of office in the Senate chamber in presence of the heads of departments and other high officials, the foreign ministers, and the Senators, besides a large portion of the late House; and a vast crowd of spectators so blocked the entrance that the ushers with their white wands had no little difficulty in opening the way as the President emerged from his state coach and ascended the steps, with his usual deliberation. The oath was administered by Justice Cushing, and Washington read a short inaugural address from manuscript in a clear and audible voice, after which he retired.[1]

During the period of Washington's second term, emigration to the United States attracted much interest in the Old World and the New, and it seemed to our citizens as if all Europe were flowing in upon them. There were refugees from France and the French West Indies; English, Irish, and German laborers. The opening of our Western country to population, and the constant demand for labor in a new and ambitious nation, largely explained this; and doubtless the orderly and liberal administration, besides, of a republic founded in equality of human rights, made America seem the land of promise when contrasted with the old countries,

[1] See Westcott's History of Philadelphia.

at present distracted with war, and likely to become impoverished whether one political system or another triumphed. Our administration desired, for the sake of improving the new soil, to stimulate this influx of humanity, which the Old World monarchy might have favored for different reasons; and one of Washington's favorite notions, as the time of his final retirement from office drew near, was to introduce skilled farmers from England and Scotland, who might give to America the benefit of their experience and economical methods.[1]

A handbook, prepared in 1793 at the Treasury Department, gives a succinct view of the condition of the United States at that date, and sets forth the prospective advantages afforded to families seeking a new home in America. By Thomas Cooper, too, an Englishman of liberal tendencies, the same flattering picture of American life is also presented as the result of his own personal tour of inspection. A land of liberty was here described, where public credit stood firmly, where the taxes were light, and where a happy mediocrity of fortune prevailed, instead of those depressing contrasts of wealth and poverty with which Europe was sadly familiar.[2]

Land and landed products were the great source of our national wealth, as thus exhibited. Yet here was a considerable commerce, in addition, encouraged by drawbacks and the absence of all export duties. More ships were built in the United States in 1792 than in any former year since the settlement of the colonies, and the supply of vessels still increased. A large tonnage had become engaged in the coasting trade of the States, and in the cod and whale fisheries. American imports, consisting at the present time chiefly of those articles which contributed to comfort, but to some extent of luxuries also, had not swollen in proportion to the advance of wealth and population, a fact chiefly owing, it would appear, to the rapid development of native

[1] Washington corresponded with Englishmen of influence with a view to letting out his estate at Mount Vernon for such experiments. See R. Parkinson's Travels (1798–1800), Preface.

[2] Tench Coxe's View of the United States; Thomas Cooper's Information Respecting America.

manufactures. Breadstuffs, working animals, and the raw materials applicable to extensive manufactures, constituted the staple of an American export trade which now lay open to all nations excepting those of alien enemies. All ships left our ports fully laden, except perhaps those which were concerned in the East Indian trade.

Manufactures had been growing steadily since 1789. These consisted still of articles of necessity rather than the products of elegance and refinement. Coarse clothing, pottery, iron implements, maple sugar, and materials for house and ship building were thus turned out. Much was hand work, and it was almost universal for farmers' families at the North to turn their leisure hours to account by engaging in some such household occupation, under the manufacturer's directions, and so combining two pursuits. Factories were small, employing little capital; each individual located his buildings where he found good water-power and access to a market town, nor was the mill-owner ashamed to be found, with his sons, up to the elbows in dye-stuffs and drudgery. Large mill towns, with a distinctive mill population and factory pursuits closely subdivided, did not, as yet, exist.

But, most of all, the United States was a nation of farmers and planters, gaining a livelihood from the soil; and, with land cheap, the cost of labor high, and room for all, the European welcomed the prospect of gaining an honest livelihood in a country where all were equals, and a man might marry and rear a family without the depressing thought that for each new mouth to be fed his scanty crust must be broken into smaller fragments. To the downtrodden of the Old World such a prospect was most inspiriting, and the hope, too, of owning the fee of his own farm, instead of having to rent the land from a peer or a peer's tenant, and so devote the chief fruits of the earth to pampering others in idleness.

To the foreigner seeking to become a farmer and freeman in the New World, the middle section of the United States offered at this time the greatest inducements. New England appeared a sterile region, and the soil was here so parcelled out among a large and thrifty people that the price of lands was comparatively high; her own sons had begun to roam

westward for these very reasons. From the Southern States he was kept because of a climate unfavorable to toil, and still more unfavorable institutions. The far West, as yet, was for those only who were willing to endure the greatest hardship and social privations; and such had become the dread of Indian massacre since our late military disasters that the pioneer slept with his loaded rifle by his side, and started at the screech-owl's call as though he heard the yell of approaching savages. To Central New York one might turn with favor, in whose happy valleys the strange mixture of white and red inhabitants was symbolized by a corresponding fusion of geographical names — where the modern Rome and Utica, Syracuse and happy Palmyra were gradually becoming founded along the Mohawk and in the Oneida and Ontario country. Hither had the New England emigrants resorted in large numbers of late. But rapidly as New York grew, Pennsylvania seemed, to the emigrant farmer, the garden State of America. Of peasant emigration to the United States the greater part was drained from Ireland and Germany. And it was quite customary at this period for such of the humbler emigrants, Germans more particularly, as could not pay their passage, to make agreement with the captain for selling their services for a suitable term to such Americans as might be willing to give them employment on their arrival and advance the cost of their transportation. These "redemptioners," as they were called, performed much menial service in Philadelphia, and it frequently happened that the expense of needful clothing and supplies, furnished by the employer, would cause the term of one's contract bondage to be very considerably prolonged.[1]

Once free, however, to choose his own plans of life, and blessed with spare cash, the foreign emigrant, like the native pioneer who sought to become an independent tiller of the soil, looked about for a suitable spot to cultivate. The land capitalists and their agents approached him, of course, with offers of sale, more or less tempting, as to the tracts they

[1] See Travels of Parkinson and Priest; Cooper's Information; Westcott's Philadelphia.

wished to get rid of. Nor by 1797 was it certain that a capable and industrious farmer might not get thousands of acres in the back country at a nominal cost, provided he would settle and draw a colony about him; for that was the time when the load of wild lands was a millstone upon many a speculator's shoulders, and Morris, whose indorsement had once sustained the sinking credit of the old Union, got lodged in a debtor's prison. A discreet settler took care that his soil was fertile and the land sufficiently near to a good market; if there was a continuous water connection with some prosperous port, all the better. Hickory and walnut were the signs of rich land; that which bore firs he avoided, if possible, as barren and unproductive. Farms in the new country rarely exceeded three hundred acres; one hundred and fifty was a very fair average.

After buying his land and taking possession in the spring of the year, the farmer would cut down a few trees to build him and his family a temporary home. His neighbors, if there were any for miles about, good-naturedly lent their assistance, and in three or four days a building of unhewn logs rose ready for habitation. Roughly put together, the interstices stopped with rails, calked with straw or moss and daubed with mud, and the roof covered with nothing better than thin staves split out of oak or ash and fastened on by heavy poles — such a dwelling was a "log cabin"; but a house of a better sort, especially if made of hewn logs, having the crannies neatly stopped with stones and plaster, and a shingled roof, would be styled a "log house." An American log house, with glass windows and a chimney, was quite as comfortable as the better cottages of English farmers; and on its stoop, some bright afternoon, might be seen a healthy woman awaiting her husband's return, and dressed to please him, who dandled a babe in her arms, while handsome boys and girls played before her or clung timidly to her calico gown. Log cabins, too, were often the abode of a modest refinement, though commonly made far from convenient, for they were usually without windows and had only a hole at the top for the smoke to escape through.[1]

[1] See Cooper's Information; T. M. Harris's Western Tour in 1803.

An American forest stood grand in the mass, the tall trees interlocking their branches, with many a picturesque scene at the clearings. But, as compared with English woods, their trunks did not seem thick and mossy, nor their foliage so dense and rich. This made the backwoodsman's work the lighter, however, and the ring of his axe was the bugle of civilization's advancing host. Grubbing the land he meant to cultivate, by removing all the small trees and undergrowth, of which he made bonfires on the spot, he next proceeded to cut down as many trees of the larger sort nearest his building as seemed suitable, girdling others, without delay, so as to destroy the vegetation of the branches, and let in the light and air to his next season's crop. The trees thus cut down, by splitting and setting the pieces anglewise, served well the purpose of a temporary rail fence about his premises; for regular post and rail fences were not yet to be thought of, and it was only in New England that the familiar stone walls of the old country appeared. A prudent settler never undertook to root up his large trees, for the labor would come to more than the land itself was worth, but he cut them off two or three feet from the ground, and then left the stumps to decay at leisure. It would be ten years, perhaps, before such stumps in New York and Pennsylvania soil would rot away, but farther south the process went on more rapidly, and once completed, the land reclaimed was very rich. The side roots meantime obstructed the plough for about two seasons. More than half the cost of clearing the land in farms accessible to manufacturing towns was recompensed by selling the potash procured from burning the wood, an advantage of which New York settlers in the Mohawk Valley commonly availed themselves. Turning his new soil in May with a ploughshare or harrow, the settler dropped Indian corn into the earth, and was gladdened by a large harvest in October. A wholesome store of corn meal and hominy was thus laid by for the family consumption, with abundant provender besides for cattle and poultry. His sheep and hogs, if he had any, ranged the forest for their food.

Once a freeholder, the pioneer stood firmly, granting in-

dustrious habits and a stock of good health. For a few years, indeed, it was a lonely and rough life, with little social comfort or relaxation beyond what the secluded family might find in one another. The father and his oldest sons would roam the woods by day, with dog and gun, to shoot deer, raccoons, and squirrels for fresh meat, whose skins they bartered with the nearest store or trading-house in order to procure clothing, tea, and sugar for the household; or, on a cloudy afternoon, they dropped hook and line in the lake or along the nearest stream to secure next morning's breakfast. But as years go on the land becomes cleared, a few more acres each season; one begins raising wheat, tobacco, or other crops which should yield him a pecuniary return; the kitchen garden and orchards are seen, the increase of his live stock adds to his wealth and comfort, and, still more, the growth of a blooming family of sons and daughters, for whose future he feels no anxiety. Neighbors approach more closely. A saw-mill and competent builders appear, and at length he moves from the log house into his more pretentious and permanent dwelling of boards. Perhaps the township grows so rapidly that, ere he has passed his prime, he becomes a trader, a social leader, a patriarch, or, haply, a politician. His girls grow up like wild roses. His boys, with the usual allowances for black sheep, elbow their way through the world; and upon some yet uncultivated portion of his tract he may fence off the married son, whose taste perchance is not for roaming, and tell the young couple they must coax their fortune from mother nature as he has done.

If, however, the pioneer fail of success (and ill-success in life, wherever and whatever the pursuit, is often traceable to family traits, such as despondency, impatience, or too romantic a disposition), he soon quits the spot first purchased and is off with his family for other acres seven or eight hundred miles away, there to try his fortunes anew, with the odds more against him at each change. If idle or dissipated in habits, he degenerates into a demi-savage; his scanty clearing ill supports the wife and children huddled into the chinky hut, and they must sow and reap for them-

selves or perish, while he wanders the forest for days, with no company but his hound, his rifle, and the fatal flask. Society grows hateful and burdensome to him, and his earthly curse is still to wander and to wander, leaping before each advancing wave of population which washes inward from the Atlantic coast.

The American backwoodsman cared little for those lighter sports which English tourists took such pleasure in. He used a rifle and threw a single ball with great precision. The only bird he cared to pursue was the wild turkey. Deer, bears, and beavers were game he esteemed. But when parties of our Middle region were formed to shoot for mere frolic, they went after the gray squirrel, scalping (as they termed it) these creatures by the hundreds for the sake of their valuable fur. There was no meat more delicious to the back-settler, whether in Pennsylvania, Virginia, or Kentucky, than a squirrel roasted or stewed. Against sudden changes of temperature it behooved the European emigrant to guard carefully until he had become well acclimated. Along the seacoast and near the river marshes he ran the risk of intermittent fever. He quaked with terror and dismay at the thunder and lightning which accompanied a summer shower in Pennsylvania or Maryland, as though of a truth he had got into "the devil's own country."

In the backwoods, as elsewhere, Americans developed great ingenuity in the pursuit of gain. The bee-hunter, for instance, went into the forest with a blanket for the night's shelter, a saw, and a pocket-compass. Reaching a favorable spot he would burn beeswax to attract the bees, and set a saucer down which contained a little honey with a touch of vermilion. The bees, drawn by the odor of the burning wax, approached the saucer, partook of the honey, and then flew away, betraying their identity by the red tincture. The hunter would now mark their straight course by his compass, observing, too, how long it took one of these vermilion-coated insects to go and return. Thus guided in his estimates, he soon tracked out the tree where they hived, and, after sawing it down with as little noise as possible, proceeded to despoil the buzzing tenants of their hoarded

sweetness.[1] The salt springs of the Genesee country, too, were set in full operation while the land was being cleared. From these saline wells a pure, fresh-looking water was pumped out, and boiled in great kettles holding forty gallons each. The tracts adjoining, which the pioneer was preparing for cultivation, supplied the fuel for this important process.[2]

Large wagons, with tops of white canvas or linen, brought produce from the interior, at this simple period, hundreds of miles to the great market towns of our Middle States. Those of the Pennsylvania region were well-built, and drawn by four or more fat horses; the capacious inside bore often a bevy of country beauties under the charge of the broad-brimmed farmer who held the reins. Market day was vanity fair with its gilded edge always in sight. The markets in our great towns had an excellent supply of meat, game, fish, vegetables, and fruit, and foreigners had noted already the variety and profusion of an American table. Neither governor nor chief justice was too proud to turn out with market-basket in hand at sunrise, and pick out the choice joints from the butcher's cart for a distinguished table; and many a morning salutation would be exchanged as great men jostled one another in the greasy and good-natured throng.

Recreations were simple in this unadorned age. For the winter season the young people enjoyed nothing so much as sleighing. When the snow lay crisp on the ground the merry jingle of bells was incessant, and the whole country bestirred itself; tavern-keepers were kept up all night. The girls had prepared bags of hot sand, which their gallants would place in the sleigh at their dainty feet. If the party were large and bent upon a social frolic, a fiddler was placed on the front seat, who played on the way; and then alighting at some inn the company sought out the well-lighted parlor, and formed for a reel to his music on the well-sanded floor. The sleighing season was usually short in the Pennsylvania latitude; but the thermometer one of these winters went

[1] See P. Campbell's Travels, 1793. [2] Ib.

down to twenty degrees below zero in Philadelphia, so that sleds brought wood across the frozen Delaware from the New Jersey shore, while at other times ferry-boats shod with runners were pushed over ice and then sailed in the open parts of the river.[1]

Public entertainments within doors were but moderately patronized as yet, even at the large centres of the United States. There were concerts of harpsichord, pianoforte, and guitar; Donegani, with his slack rope and tumbling feats; exhibitions of live camels; circuses; and wax-work shows, wherein, bright and stiff, like pins in a paper, stood one row of life-sized monarchs and patriots in their ruffles and insignia, headed usually by Washington, staring straight at another row of life-sized dolls who grinned in return and were certified to represent famous beauties of the day. Dancing assemblies in the chief towns satisfied the craving for social enjoyment and distinction. But from the commencement of our Revolution the hand of the law had lain heavily upon actors and theatrical performances. Nor in most leading States was it until 1789 or later that the sons of the sock had begun to be treated as better than low vagrants. New York set the example of liberality towards them; and the itinerant company of actors which had first introduced stage performances into the American Colonies in 1752, lost no opportunity, on reappearing in 1785, to demonstrate their Whiggish zeal by bringing out the next year in New York city the first American play ever performed,[2] and still later illuminating their theatre handsomely on the night of the first Presidential inauguration.

[1] See R. Sutcliff's Travels, 1803–1805. Priest, an English traveller, who was bound from Baltimore to Wilmington, records that the Susquehanna River having suddenly frozen, the ferry-boat stopped running which should have conveyed him across with his fellow-passengers, and that upon the undertaking of the ferryman's slave to drive the stage over for two dollars, his master pocketing the money ordered the negro to proceed, who whipped boldly across, the ice cracking horribly all the way. W. Priest's Travels, 1793–1797. The author adds that, of course, *he* did not remain inside the coach.

[2] The Contrast, by Royal Tyler, afterwards Chief Justice of Vermont.

In Pennsylvania, too, the Quaker opposition to theatricals was overborne by a like just policy in 1789, and so rapidly did play-acting become profitable in Philadelphia that a fine new theatre was erected by 1793 on Chestnut Street, capable of seating two thousand people, and probably as elegant as any of that day in London.[1] Washington often went to the play in these years of Philadelphia life, as well as to Rickett's Circus, another popular place of entertainment at the temporary capital.

But in Boston, they who opposed the theatre as a school of immorality maintained the legislative ban of Revolutionary times more rigidly, and that grand old Calvinist, Samuel Adams, spoke on the anti-theatrical side at a Faneuil Hall town meeting, which was called in 1791, to consider whether or not the Boston Representatives in General Court should be instructed to use their efforts to procure a repeal of the prohibitory act. Adams was heard impatiently, however, and favorable instructions were voted. But this demonstration failed to impress the legislature, for the actors' cause was more popular in Boston than among the rural constituencies. Presuming upon so strong a local sentiment in their favor, the actors, soon after the legislature had adjourned, opened an exhibition-room in Board Alley, where they drew crowded houses to attend what they called "moral lectures." Here "the fatal effects of vice," as they advertised, would be illustrated by a specified tragical lecture, as, for instance, "Jane Shore," which was to be followed by "Tom and Sally," or such like "entertaining lecture." But to this barefaced violation of a statute Governor Hancock called attention when the new legislature convened, and the sheriff soon after came upon the stage in the midst of a performance, arrested the actors, and broke up the play. The crowded audience showed how little they respected the prohibitory act by hissing the officers and refusing to take their money

[1] See Griswold's Republican Court. So desirous was the manager of this new theatre in Philadelphia to keep on the popular side, that he bore the displeasure of the leading lady of fashion, Mrs. Bingham, rather than gratify her unrepublican request for a permanent box and key, to be kept for the exclusive use of herself and her chosen friends.

back. A crowd attended the examination, which was held next day at Faneuil Hall, and resulted in discharging the actors because of a technical defect in the warrant; but the lectures had to stop; and yet so strong and determined was the sentiment of Boston that the legislature presently, in 1793, repealed the obnoxious act. And thus ended theatrical proscription in America; a policy whose last struggles were among a community since foremost in native patronage of the drama.[1]

In external appearance, as well as in social manners, our chief centres of population corresponded closely, at this time, with the large provincial boroughs of England. New York, in particular, impressed Cooper as the exact counterpart of Liverpool, in the situation of its docks, the arrangement of its streets, and the general plan of the houses and public buildings, inside and out. One could purchase similar articles of comfort and luxury here by paying one-third higher, while for lodging, entertainment, and travelling it cost him about one-third less than in England.[2] The beauty of the young metropolis bathed in the rays of a rich sunset was admired by all who approached it by water from Sandy Hook or Elizabeth Point. Next to Niagara, whose thunders have drowned so much inadequate rhetoric, and, perhaps, too, after Virginia's Natural Bridge and the Shenandoah Valley, admirers of the picturesque most delighted in a sail up the Hudson as far as quaint old Albany, whose roofs and steeples, covered with tin plates, had a Dutch glitter. Boston was esteemed as an enterprising and interesting town, full of historic landmarks, and likely to make more. With its narrow and crooked streets, and its wooden houses, gable end foremost, so closely placed together, there was constant danger here of a sweeping conflagration; and when, at midnight, the sojourner at the inn threw up his window, aroused by the alarm of fire, and saw citizens running after the tub-engines of the town, while all the church-bells were

[1] See Drake's Landmarks of Boston; Boston Centinel; 4 Hildreth's United States.

[2] See T. Cooper's Information.

clanging and each considerate housewife put a lighted candle into her front window to help illuminate the street, it was not strange if, forsaken by slumber, he rushed to the scene of action and joined the lines of solid Bostonians who stood passing water-buckets up and down like modest friends of humanity, while the more skilful firemen performed their customary acts of prowess.[1]

Philadelphia, which, as the first city in historic renown, the first in population, and the temporary national abode, wore the triple crown of the United States, fulfilled her mission with a Quaker-like simplicity and quiet which somewhat diminished the example she was setting. Philanthropic and learned societies here existed, commerce flourished, colleges and hospitals stood on old endowments; and yet an atmosphere of serenity, not to say of dulness, enveloped the public work of the place. A want of homogeneousness in the population, and religious differences dating back to Colonial days, made an obstacle here, as in the rest of the State, to united enterprise and the development of a distinctive political character. Philadelphians had no such typical traits or typical leaders as Boston or Charleston; there were sets and cliques all living apart, and the social striatures here yawned the wider, because, as a municipality, this central metropolis was broken into fragments. The city had few pretentious edifices at the present time, and those were private ones; and of the grandest of these the owner's fortune was melting as he constructed it.

Philadelphia was, in short, quite typical of its dwellers, a city of plain, sober, substantial homes, whose wealthy merchants, out of good brick, with white marble facings and foundations, made themselves dwellings, with ample dormers and doorways, easy staircases, and open chimneys; comfortable, but severely chaste. On warm summer evenings their living contents, like a Front Street merchant's bales and boxes, would pour out upon the clean steps, porches,

[1] See W. Priest's Travels; R. Sutcliff's Travels. There was a disastrous fire in Boston, July 30th, 1794.

and sidewalks, but wooden shutters at most other times excluded the public gaze as from the riches of a safe-vault. The gregarious desire was usually kept within decorous bounds; and, as scarcely a mechanic could live contented here without being a freeholder, the poor man's desire was often gratified by the purchase of a vacant lot in some new street, where he might put up a small building fifty feet back from the surveyor's line, there to live until his means should enable him to join a good house to the front and turn his first habitation into a kitchen ell. The streets had no curbstones as yet, but pavements were dotted by posts to mark the boundaries. Though a Schuylkill aqueduct was lately projected, pumps supplied water for drinking, and rain-casks whatever might be needful for washing the clothes. Spring Garden was a favorite place for flying kites; State House Square, with its beautiful elms, the fashionable promenade. The old jail and whipping-post exchanged knowing glances at the corner of Third and High streets. Philadelphia's system of streets, running at right angles, made the city quite safe to find one's way in. Trees were set out at regular intervals, and the nightly chorus of toads and bullfrogs, broken, possibly, by the plaintive note of a whippoorwill, reminded every Londoner that he was far from home. For miles from the city, on the Pennsylvania side, there was an open prospect, since the king's troops, at the period of occupation, had, when distressed for fuel, cut down many hundred acres of orchards; but the opposite shore of New Jersey was a forest.[1]

The new mint, recently authorized by Congress, commenced operations here under the direction of David Rittenhouse, the astronomer, a worthy successor of Franklin in experimental philosophy, and, like Franklin, identified closely with the interests of Philadelphia. The need of a national coinage had long been apparent; but, for years to come, the common reckoning continued by pounds, shillings, and pence, and that without a single coin to express these

[1] See Westcott's Philadelphia; McKoy's Recollections; Priest's Travels.

values, while much counterfeit English money was in circulation. Scarcely three States reckoned alike the number of shillings to the dollar. Philadelphia gained permanently the mint as well as the national bank by becoming at this opportune date the temporary capital.

At this period epidemic disorders were prevalent in northern seacoast towns to an extent unknown in the nineteenth century under our modern system of sanitary precautions and the advance of medical science. Small-pox broke out in Boston with such virulence in the latter part of 1792 that a town meeting was called to devise measures for checking the contagion, and Governor Hancock thought it prudent to convene the next legislature at Concord.[1] By a scourge far more terrible and less skilfully resisted was Philadelphia afflicted a year later; a strange and fatal disease, proving to be the yellow fever, which was probably brought over in early summer by some uninspected vessel from the West Indies. At a lodging-house on Water Street, in July, 1793, the first victims were attacked; and from this quarter of the city the contagion spread regularly along, checked by an occasional empty block of houses, until in the latter part of August the whole population was in a panic. Mayor Clarkson, on the 22d of August, ordered the streets cleaned and filth removed, and by the 26th an address of the Philadelphia physicians was published, warning the citizens against the danger of holding intercourse with infected persons. The tolling of bells at funerals was stopped, and all were advised to avoid fatigue, dress warmly, and preserve habits of temperance. But medical men understood little how to cope with this terrible disorder. Stopping the practice of kindling bonfires, which some had hitherto thought a good preventive of the disease, they substituted that of firing guns for clearing the air, under the delusion apparently that the smell of gunpowder was beneficial, but without sufficiently reflecting that this jarring of people's nerves prostrated them the more readily. So, too, it was only after

[1] See Columbian Centinel, August-December, 1792.

fatal experiments with salt purges, bark, wine, and laudanum, that Dr. Rush found, as he declared, in calomel and jalap a happy remedy; and thereupon so instant became the demand for these new specifics, that many fell victims to doses of the dangerous components not properly apportioned. Vinegar and camphor, and pieces of tarred rope were widely used and recommended by way of preventives.

The usual course of the disease was this: Chilly fits first warned one of his danger, next a hot skin; he felt pains all over the back, and became costive; he had soreness at the stomach, accompanied by violent retchings without any discharge. If these symptoms slowly abated he recovered, but if they suddenly ceased it was a sign of danger. In the latter event the whites of the eyes would become saffron-colored, blood issued from the mouth and nose, and vomiting ensued of a dark substance resembling coffee-grounds. The victim's skin now assumed in spots that yellowish-purple from which the name of the fever was derived. He felt sleepy, and would lie down wherever he happened to be; delirium seized him soon after, and sometimes within a few hours after the first attack, though more commonly in the course of from five to eight days, he died. Even where he recovered from the black vomit spell there was danger that a fatal hemorrhage would set in. The disease was most successfully combated by breaking up the first costiveness. One in good health might catch the infection from the breath or the touch of a tainted person; and even a trunk of clothing was known to communicate the disorder.

About August 25th the inhabitants began to flee as from death on the pale horse. Coaches, carriages, and drays, in long processions, bore human beings, with their baggage and household goods, to a prudent distance from the city of pestilence. Those who remained in Philadelphia shut themselves up in their houses, venturing out as little as possible, and friends passed each other with only a cold look of recognition; easy conversation at the street corner was suspended, for each distrusted his neighbor. While the epidemic lasted 17,000 left town. An approaching hearse was the signal for closing every door and window, and all who wore the habili-

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It reappeared at times in Philadelphia,
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ments of mourning, even heartbroken orphans and widows, were shunned as though branded murderers. The suffering was intensified among the poor and bereaved by reason of the utter stagnation of business, whereby thousands were thrown out of employment. Meantime the undertaker, the busiest of men, with his energies taxed to the utmost, did most of the doleful business of interment by night, and, as he furnished coffins by the quantity in his wholesale procedure, that which he designed for one member of a family would serve not unfrequently for another, while the intended occupant recovered. The remains of respected citizens, in this period of gloom, no matter what the cause of death, were hurried to the grave on a pair of shafts, drawn by a single horse, with some solitary negro for the driver; they were buried without funeral rites, not a member of the family nor a family friend being present to drop a last tear at the grave. It was not strange if amid all this confusion mistakes would occur, nor that a sick man was sometimes boxed up before the breath had left his body. The public offices were temporarily removed from this mourning city. The General Assembly of Pennsylvania met at the State House in the midst of the panic, and then hastily adjourned. Officials, even the municipal ones whose duty it was to provide for checking and averting this contagion, slipped away under various pretexts, shifting upon those who remained a tremendous burden, without means adequate for sustaining it. The almshouse having been closed upon infected occupants, a vacant circus on Market Street was taken by the authorities, where victims died of sheer exposure to the damp air, and one corpse actually putrefied before a servant — and she a woman, who fortunately suffered nothing in consequence — could be found hardy enough to remove it; the neighbors meantime threatening to set the building on fire unless the hospital quarters were removed speedily to a more distant site.

While the fear of approaching death laid bare, as it always will, the selfishness and meanness of the many, it showed that there were brave citizens who dared to expose their own lives in order to assuage the general suffering. One of these

was Mayor Clarkson, whose conduct adorns with cisatlantic lustre a name which philanthropy must ever claim for her own; another, Stephen Girard, Philadelphia's renowned benefactor of later renown, who, with Peter Helm, assumed in September the direction of the new Lazaretto Hospital at Bush Hill, — an institution which, filthily kept and poorly served, had previously acquired the repute of a human slaughter-house. Meetings of patriotic citizens, over which the mayor presided, provided temporary funds, and moneyed men seconded the efforts made by their more prominent brethren for organizing a common resistance to the dread destroyer.

Nature proved the only skilful physician for her own distemper in this instance. With the first frosts of early November the yellow fever ceased, and the city once more became habited and habitable. During the season of the epidemic, from August to November 9th, the number of city interments was 4,044; and it is estimated that out of the entire population which inhabited Philadelphia while the fever prevailed, more than 20 per cent. perished. During several later seasons the same disorder afflicted other places, including New Haven, New York, Baltimore, Charleston, and even places as far north as Newburyport and Boston, whose quarantine and sanitary arrangements had likewise been imperfect. It reappeared at times in Philadelphia, and more especially in 1797, when there was a second terrible scourge. Later improvements in drainage, and the plentiful introduction of pure water, together with more stringent sanitary regulations, have doubtless had much influence in keeping yellow fever, during the present nineteenth century, out of the more northerly latitudes of the American coast, where certainly this disease is not indigenous.[1]

[1] Westcott's History of Philadelphia. Mathew Carey, an eye-witness, whose own heroism in the fatal season is worthy of honorable mention, has described the Philadelphia distemper of 1793 very fully. Some of the terrible scenes, as pictured in Arthur Mervyn, a novel, by Charles Brockden Brown, who had like personal opportunities as a resident of the city at the time of the yellow fever, read like an Oriental rather than an American tale.

Municipal plans, in fact, as our leading towns were at this time carried on, must have been, as the reader may well have surmised, ill-devised and imperfectly executed. Sad Philadelphia's experience in 1793 hastened the introduction of the Schuylkill water into that city. But several years later much complaint was made in the newspapers of the recklessness with which diseases were allowed to generate in each important metropolis; and when in 1797 there was a new fever panic at the North, in some respects greater than the former, indignant complaint broke out at the dulness with which the civic authorities had received the lessons of experience. By this time it was fairly agreed by medical men that, whether such pestilential disorders originated or not in warmer climates, and were first communicated from outside through imperfect quarantine, a local uncleanliness, bad drainage, impure water, and the putrefaction of noxious substances in water-side streets did much towards generating and propagating the disease. In populous New York, "tea-water," so called, was carried about in casks, and sold for family drinking purposes; but this was warm, and moreover could only be obtained when the cartman pursued his journey. Taxpayers complained that, with the surface system of drainage, there remained filth in the scourings of filthy housekeepers, whom no police restrained; that gutters were green with putrefaction, and streets in motion with refuse animal and vegetable matter in the hot summer weather, and that stray hogs, after feeding upon what was thrown out to them, would pursue their purveyor into the open house. To such indignant demonstrations we owe the first systematic attempts made at municipal cleanliness in our largest American localities, and the introduction, commencing apparently with Boston, of an underground system of sewerage.

With so much suburban scenery that was readily accessible, and with so many unoccupied lots in the heart of each city, while the houses of the wealthy were themselves surrounded by neat gardens and shrubbery, the need of public parks could not have been seriously felt at this time. Those lungs of a city, as they have so well been termed, were not,

however, wholly absent. Philadelphia had her favorite public grounds, guarded by a brick wall. New Yorkers sauntered about the Battery on summer evenings, and saw the moonlight dance upon the bay. But by far the finest and most gorgeous municipal park in America was the Boston Common, and Bostonians, while complaining that their tax was double that paid anywhere else, felt justly proud of it.[1]

A few words may here be added concerning the southern portion of the United States, as it appeared at this period. Voluntary immigration to the States which had seemed partial to a permanent slavery was insignificant. But some newcomers would settle in Maryland and Virginia; and there was considerable travel as far south as Richmond, foreigners desiring to visit the interesting localities and study the famed institutions of a commonwealth remarkable in her great men and not wholly disinclined by sentiment to race freedom. Already did the remarkable difference between slave and free systems of labor impress casual strangers who crossed the Pennsylvania border, going southwards, as it did a few years later the multitudes who floated down the Ohio, touching alternately at the opposite banks. In both Virginia and Maryland the wastefulness of the farming methods, and the wretched shabbiness of the large planters' homes under the existing slave institutions, struck each traveller at once. It seemed as if the more the slaves the fewer were the owners' comforts of life; for their land and slaves, it was said, were like dust and ashes for wealth. Ingenuity and economy seemed incompatible. Horses, mounted by negro boys, went round in a circle treading out the sheaves. A tobacco hogshead was drawn to the warehouse by the curious expedient of putting pivots in each end, attaching shafts, and then setting a yoke of oxen, attended by two slaves, to roll it along. Wretched teams were regularly visible at the Alexandria market, consisting, perhaps, of an ox and a mule harnessed together. Although Mount Vernon was one of the most prudently managed plan-

[1] See local newspapers, 1793–1797.

tations in all Virginia, Parkinson, who came from England intending to rent a portion of it, not only considered the stock and soil alike of an inferior sort, but declared bluntly that, saddled with the support of negroes, so many of whom were unfit for work, he would not accept such a farm rent free and undertake to make it profitable. Hiring an estate instead, only three miles from Baltimore, which he turned to dairy purposes, he found so little opportunity for procuring faithful and steady free laborers, that he and his sons had to get up long before sunrise and milk the cows, besides performing nearly all their farm drudgery in the course of the day.[1]

Free negroes in a State which still keeps up the servile institution, and makes no genuine provision for their employment, education, or social advancement, are only the lucky brothers of a degraded clan; and hence we need not wonder that, as a class, those of Maryland and Virginia were by general repute vagabonds and pilferers, who, but for their docility and sluggishness of temperament, might have grown into a very dangerous criminal element of society. As things went they required a jail discipline quite often. Yet, allowing for their untruthfulness, their stealing propensities, their fondness for drink and lechery, it was found profitable to make hucksters of them, for they pushed their wares well, and brought home a handsome sum above what they appropriated. Parkinson thought the blacks coming together in Baltimore market on behalf of the white buyer and seller commonly leagued to help one another to make a profit at the expense of their respective employers or masters. Sutcliff tells of a Baltimore negro who became invaluable to his master in selling light produce, and who, having been allowed some time for himself, laid by money with which he asked to buy his freedom; but though he offered an unusually large sum, his master refused, to his great distress, to sell him his freedom, avowing that he could not part with so useful a slave on any terms.[2] And thus might a negro's virtues fasten his collar the closer.

[1] R. Parkinson's Tour. [2] See R. Sutcliff's Travels, 1804–1806.

From an economical point slavery appeared a poor investment, not only because so many infants and decrepit folk had to be maintained in idleness by the owner, but by reason, too, of the improvident habits from which not even the industrious and able-bodied were exempt. Negroes were perceived to be voracious feeders, heating whatever they ate, and throwing rich morsels and fat to dogs and other brutes. The slave would often say, "Massa, we work and raise all, and so we ought to consume all." Females, employed about the cook-house, let their little children run loose, to do damage, if not to contaminate besides the young whites with whom they played. In Delaware, Maryland, and Virginia slaves were not cruelly treated by their masters; but a reciprocal laxity of morals was the painful result of an intercourse which must always be attended with the strongest sexual temptation. It was not strange in these States at this period to behold naked children of either sex, ten or twelve years old, standing in the market-place with baskets on their heads. Handsome mulatto girls waited on their master's table with a field dress of loose cotton or woollen cloth, girt round the waist too carelessly to conceal other than temptingly those charms which modesty should have hidden; their feet and lower extremities quite bare. In Richmond, a thriving town, sooty with pit-coal, illicit intercourse between white masters and their slaves was indeed becoming so common at the close of the eighteenth century as to scandalize the old traders who had identified themselves with that place in an era of pure morals.[1]

The condition of slavery was probably worse rather than better in the extreme Southern States, but to that region travellers as yet seldom penetrated.

From the time of Washington's second inauguration, or, perhaps, from the opening of the present calendar year, dates the development of a new impulse to political divisions

[1] R. Sutcliff's Travels; and see Parkinson's Travels. Sutcliff tells of one he met who was just abandoning here a lucrative business and moving away rather than consent to remain where his children would be brought up among the licentious surroundings.

in America. The party cleavage was essentially as before, but, instead of Hamilton's financial policy, the predominant issue now became, through the influence of gathering events, that predilection already noticed, but hitherto subordinate, as between the two great contending powers of Europe, Great Britain and France. Those countries, grappling as in a death-struggle, sought now to embroil the United States, each on her own side, by exerting a direct influence upon the policy which our American people claimed so nearly as their own constitutional right to control. Nor can it be said with truth that a genuine neutrality, with reference to European politics, prevailed in this country from 1793 until after the war of 1812, a war which accomplished the final divorcement of the two continents.

The recent interchange of ministers had done little towards allaying the public irritation felt against Great Britain in this country; and, while Jefferson and Hammond pursued a fruitless discussion in Philadelphia over reciprocal infractions of the peace treaty of 1783, Pinckney, in London, found it impossible either to gain the commercial concessions hoped for or to bring about an understanding that the English custom would cease of impressing American seamen; a custom in utter disregard of our own naturalization laws, and which licensed intolerable liberties with men not British born.[1]

France, on the other hand, was straining the enthusiasm of America to a high pitch, and our people, despite the Danton massacre and the dethronement of King Louis, still regarded the new French Republic as the "all hail hereafter." The victory of Dumourier over the Austrian and Prussian armies, announced about New Year's Day, was celebrated in January of this year much like the triumph of a French and American alliance. In Boston an ox, roasted whole, was borne in pageant, elevated twenty feet on a car drawn by sixteen horses, its gilded horns displaying the French and American flags, and the inscription in front being: "A peace-offering to liberty and equality." Four

Jan. 24.

[1] See 3 Jefferson's Works, 428–441. In a message to Congress, February 8th, 1792, Washington brought the impressment grievance to their notice.

carts followed, laden with loaves of bread and hogsheads of punch. After dedicating an open space near the docks as "Liberty Square," the procession, with its escort, continued on the route to State Street, where among large multitudes the viands were distributed, not without some scrambling and confusion. The remnants of the feast were sent to the jail and almshouse, and with the proceeds of a voluntary subscription Boston's imprisoned debtors were set free. For a more distinguished company a choicer banquet was provided at Faneuil Hall, at which the lieutenant-governor, Samuel Adams, presided. Two balloons, adorned with patriotic devices, mounted the sky from the market-square. The public school children, drawn up in two ranks on State Street, received each a cake stamped "Liberty and Equality," in token of the joyful commemoration.[1]

Civic feasts of a similar character were prepared in other parts of the country. At a public dinner given in Philadelphia, where Governor Mifflin and Ternant, the French minister, bore leading parts, a pike was fixed at the head of the table, which bore a liberty cap and the American and French flags intertwined, the whole being surmounted by a dove and olive branch.[2] "Ça ira" and "Yankee Doodle" now became the favorite airs for bands to play in succession at every popular gathering. There was a sudden rage for French fashions; the "Brutus crop" began to supersede the courtly old queue and tie-wig; it was no longer "Hon." and "Mr.," but "Citizen" this and that. Feb. 6.

While American democracy was working into these strange freaks, our British sympathizers, men who had ridiculed the French Republic as all legs and no head, and snapped their fingers over the discomfiture of Tom Paine, who, on a recent excursion to London, had first been laid in a sponging-house and then forced to retreat across the Channel under threats of a libellous prosecution, now became aroused to a sense of impending danger. The sober and reflecting part of our community, too, were horrified at the news which came a

[1] Sullivan's Familiar Letters; Boston Centinel.
[2] Westcott's Philadelphia.

few weeks later, with sickening details, of the execution of Louis, a monarch weak but by no means unamiable. Indeed, the fickleness of the French people, who so readily deserted one set of leaders for another, and were now displacing Lafayette to make room for such wretches as Robespierre and Marat; their cruelty and intolerance, too, in proscribing refugees, shedding the blood of so many innocent victims, and wreaking a barbarous vengeance upon senseless remains; their impiety, of which a late speech in the Convention by one Citizen Dupont, invoking nature and reason as his only gods, afforded a shocking instance,—all this set our citizens to thinking whether this vaunted French liberty might not be after all a painted strumpet instead of the twin-sister of her for whom their own swords had been drawn. But while America thus mused came the startling intelligence that France had declared war upon Great Britain; and, moved by the audacity of the French challenge as well as their own vindictiveness against George III, the more impulsive of our community, casting discretion aside, gave themselves up to a delirium of joy, which did not easily abate.

The war news, for which, though expecting rather that Great Britain would take the initiative, our administration was not unprepared,[1] reached America shortly after Washington's second inauguration and while he was upon a visit to Mount Vernon. Repairing at once to Philadelphia he submitted to his cabinet advisers a series of questions for their consideration, relative to the course suitable to pursue. Jefferson (who, to Washington's gratification, had concluded to defer his resignation a few months longer) inclined to the plan of summoning Congress at once in extra session, but this idea was overruled. A new French minister was on his way to Philadelphia. By unanimous consent it was determined (1) that a proclamation of neutrality should issue, and (2) that a minister from the French Republic should be received. This

April 5.

April 17–18.

[1] See cipher and other instructions sent to our diplomatic agents in March. 3 Jefferson's Works.

proclamation of neutrality, which Jay drafted, left out, however, the word "neutrality," and though enforced afterwards by the President with becoming fairness, it seems to have intentionally left the precise purpose of our government so far uncertain that powers at war might feel the need of yielding us favor in return for the broadest neutral privileges.[1] Jefferson would have favored France,[2] while Hamilton leaned as strongly to the side of Great Britain.

But the merchants of British proclivities, who had looked to Hamilton through the gathering storm to keep our privateers under a tight rein, found themselves greatly perplexed at a situation which revealed France already in treaty alliance with America while England had none. More than this, our treaties with France committed us expressly in terms to a perpetual guarantee of French possessions in America, further promising to French privateers and prizes a shelter in American ports, which it as explicitly refused to the enemies of France. These treaties of 1778, which had served for our revolutionary relations, bound France and America to an alliance in design inconsistent with the strict theory of neutrality, giving France a present right to expect some return for those valuable benefits she had formerly rendered us. And yet the thought of involving the United States forever in European turmoils, simply for gratitude's sake, appeared intolerable to a nation like ours, so plainly was it for America's interest to pursue a conduct friendly and impartial towards all foreign belligerents and to keep out of their ambitious wars.

These treaties had weak spots which Hamilton was prompt in riddling. They were made with the King of France and his successors, and hence might not include the existing government; even if in force, the guarantee might not apply to an offensive but only to a defensive war; and, lastly, even though we felt bound to exclude English privateers, under the letter of the compact, English ships of war were not, as

[1] See 1 Jay's Works, 298; Jefferson's Works, June 23d, 1793.

[2] Jefferson to Madison, May, 1793. Madison, too, was "mortified" with the President's proclamation. 2 Madison's Writings, May, 1793.

of course, excluded. But upon such equivocal points the President felt reluctant to stand committed, and tacitly, in effect, the existence at least of the treaties was conceded.[1]

The President's proclamation, as accordingly issued, declared the disposition of the United States to pursue a line of conduct friendly and impartial to both belligerents. Our citizens were exhorted to avoid all acts which might contravene that disposition, and those who unlawfully aided hostilities or carried contraband articles were warned not only that the government would not shield them from punishment, but that, as offenders, they were liable to prosecution besides in the proper courts of the United States.[2]

April 22.

The new French minister, whose reception the President had determined upon, was Edmond Charles Genet, whom the Girondists sent over to supersede Ternant, the latter no doubt a serviceable ambassador, but not wrought up to that madness pitch which gloried in the king's execution. "Citizen Genet," as it became the fashion to style him, was a ruddy, good-looking, vivacious Frenchman, not without brilliant parts and a creditable record as a diplomatist, but, like too many of his nation at this era, given to effusive and illogical utterances, a zealot in politics, and having that bustling, excitable over-action in affairs which, leaving out of view lawful limitations and the rights of others, leads up to final rupture and discomfiture. Methods of influence which Latin nations might safely employ upon one another, are found ill-suited to our far less impulsive Saxon, whose heart not readily makes way with the head; a fact which Genet learned in the course of a brief half-year's experience as minister of the French Republic, the white heat to which he worked the American people on his first appearance passing rapidly off.

Genet landed at Charleston, April 8th, in the French frigate "L'Embuscade," more after the fashion of some

[1] See 5 Hamilton's Republic; Writings of Washington, Hamilton, and Jefferson, 1793.

[2] 10 Washington's Writings.

liberator than a diplomatist whose credentials had not yet been presented at the seat of government, and concerning whose recognition a grave cabinet consultation was found needful. Bringing with him tidings of the war declared with Great Britain, he was welcomed at this Southern port with great enthusiasm. In pursuance of secret instructions from his government he adopted at once a line of conduct, such as not only presumed upon the force of existing treaty stipulations in their most liberal sense, but undertook further to draw the United States into an entangling alliance with France which must have rendered the war against Great Britain their common cause. Money, men, and privateers from America he especially reckoned upon. Bringing with him blank army and navy commissions, and three hundred letters of marque, he caused two privateers to be fitted out at once in Charleston, which, under the French flag and manned with American seamen, cruised for British merchantmen homeward bound, and a number of captures were accordingly made in the Southern waters. The frigate "L'Embuscade," which Genet sent up the coast to Philadelphia, likewise took prizes, one of these, the "Grange," being unlawfully captured within the capes of Delaware Bay.

The French arrival at our seat of government was arranged for dramatic effect, and as though to arouse the American people, if need be, apart from those in authority. "L'Embuscade" sailed slowly up the river accompanied by her prizes, and was saluted when she came in sight of Philadelphia by a field-piece on Market Street wharf. Her figure-head was crowned with the liberty cap. On the round-tops were inscriptions like these: "Enemies of equality, relinquish your principles or tremble;" "Freemen, we are your brothers and friends;" "We are armed to defend the rights of man." British colors were reversed, with the French flag flying above them. Thousands of Philadelphians gazed upon this strange scene with delight, and when Genet arrived by land a fortnight later, having received constant ovations by the way, the whole city seemed given over for the hour to frenzy. A long proces-

May 2.

sion conducted the ambassador of the French Republic from Gray's Ferry, and a fervent address of welcome was presented to him.

At a civic feast, given in honor of the French minister a few days later, toasts went round which denounced aristocrats and kings, and hailed the auspicious fraternity of hearts between France and America. Genet sang the *Marseillaise*, rapturously applauded; and when the red cap of liberty, first placed on his own head, was then sent travelling round the table for each to don and pass it to his neighbor, the audience became almost frantic with joy. The Fourth of July seemed more a French than an American celebration. Both Governor Mifflin and Genet honored a still later banquet, which commemorated the destruction of the Bastile; and where, it is narrated, the head of a pig severed from the body was handed round, into which each guest plunged his knife, as though to mangle the remains of the late king, while uttering some appropriate malediction.

Such counter-demonstrations as were arranged in the British interest seemed feeble enough in comparison; but a public dinner was given on the birthday of George III at Philadelphia, where those who wore the cap of liberty were grimly admonished that there was another cap for licentiousness.[1] British and French tars assailed one another in the streets, the crowd usually taking part with the latter.[2] A large body of Philadelphia merchants had presented Washington with a petition for neutrality; yet even in the city where our Federal government held its seat the administration found the popular stream ebbing away from them. The President and his proclamation were growing obnoxious; the more so that Washington — reticent over the distrust of French liberty which he must have felt ever since the displacement of Lafayette, whose exile and imprisonment he sincerely mourned — pursued inflexibly and in silence the neutral course which had been resolved upon. Men and

[1] Griswold's Rep. Court; Westcott's Philadelphia; current newspapers.

[2] Westcott's Philadelphia.

women put on the French tri-colored cockade. In the fierce tirade against monarchy an old medallion of George II on Christ Church was made the subject of so many unfavorable comments that the vestry prudently removed it. The *Advertiser*, published by Bache, a grandson of Franklin, and Freneau's *Gazette* assailed the administration and the neutral proclamation bitterly. Ten thousand people in the streets of Philadelphia threatened day after day, it is said, to drag Washington out of his house and make him resign or else declare for France; and but for the malignant fever which prostrated some of the ringleaders there might have been bloodshed at the capital.[1] Provoked by a pasquinade called *The Funeral of Washington*, which represented the President as placed upon a guillotine in parody of Louis, Washington at one of the cabinet meetings broke into a transport of indignant grief at the personal abuse heaped upon him. Yet he would not swerve a hair's breadth.[2]

The manner of his official reception as the accredited minister of France pleased Genet as little as the proclamation. Perceiving in the vestibule of the presidential mansion a bust of Louis XVI, he took no pains to conceal the anger he felt at a simple mischance. Washington's speech of reception was courteous, but by no means fervid, and, as to war or the status of the French Republic, non-committal. Fully recognized, however, and his credentials accepted, Genet proceeded somewhat precipitately to open his diplomatic budget; communicating to our government a recent decree of the National Convention which threw open all the ports of France and her colonies to American trade, and proposing a new treaty of commerce on the basis of "a true family compact." He at once applied, through the Secretary of State, for an immediate advance of the instalment of debt owing his country, which amounted to $2,300,000; offering, by way of inducement, to purchase in this country French provisions and naval supplies. But

May 22–June 14.

[1] See Westcott's Philadelphia; John Adams's Works, June 30th, 1813.

[2] Jefferson's Anas.

parrying all suggestions of a new commercial arrangement which tended to lash these Republics together, our Executive declined the proposal for paying off the French debt by anticipation, as something too inconvenient, and under the circumstances, moreover, a possible offence to England. Genet, much annoyed at this response, next proposed making the debt immediately available to France by an assignment of the certificates in payment for requisite supplies; but to this course our government again demurred.

Hammond, the British minister, had meanwhile lost no time in preferring complaints of the privateer outfit and Genet's conduct on landing at Charleston. Indeed, the "Grange" capture appeared so clearly in violation of neutral obligations, that the cabinet agreed to request a restoration upon Genet's arrival. To this decision Genet submitted, but as to the new privateers he insisted warmly that they were owned by French houses at Charleston, and commanded by persons who had a right, whether Americans or Frenchmen, to accept commissions from the French Republic. He claimed, too, that the exclusive favor accorded to French prizes and privateers, under our treaties of 1778, implied a right likewise in favor of his government to fit out privateers. But Hammond took the ground that the Charleston privateers, armed with American means entirely, and partly manned by Americans, were American and not French privateers. Jefferson and Randolph would have left the lawfulness of these commissions to the courts, but Hamilton and Knox advised an executive interpretation and prompt restitution.

Leaving the latter point open for a time, Washington took a course whose design would prevent the further efforts of the French minister to involve this country in war. Genet was distinctly warned that the granting of military commissions must henceforth cease, and the sovereignty of a neutral jurisdiction be respected. Besides giving suitable notice of his intentions to both the belligerent nations, the President sent out orders to the seaports that all vessels there fitted out as privateers should be seized and the sale of their prizes prevented. The governors of the

June.

States were called upon to co-operate in carrying out the principles of the President's proclamation. And, by way of example, Henfield and Singleterry, two Americans who had enlisted on one of the Charleston privateers, were prosecuted. A new privateer, fitted out in New York, in defiance of the President's instructions, was seized just before she was ready to go to sea.

The refusal of the American government to co-operate with France, where he had expected reckless zeal in her behalf, quite unhinged Genet, whose violence grew with each new ovation. Nor content with seeking secretly to evade the President's instructions, but proceeding under the mistaken apprehension, as it would seem, that the American Congress had some such direct control over a reluctant Executive as the National Convention of France, and would be chosen in the present exigency, he undertook to bring such a popular pressure to bear as should force the President to abandon the proclamation and yield to his wishes. Accordingly he spurred up the opposition press in its attacks, particularly upon Hamilton, and made the most of the hour's infatuation. In lofty tone, but in vain, he demanded, through Jefferson, the release of Henfield and Singleterry. "The crime laid to their charge," he said, "the crime which my mind cannot conceive, and which my pen almost refuses to state, is the serving of France and the defending, with her children, the common and glorious cause of liberty." To those about him he protested, in unguarded language, that the policy pursued by the American administration was a cowardly abandonment of friends in danger.

The affair of "The Little Sarah," a British merchant vessel which had been captured as a prize and brought into the port of Philadelphia, led closely to the climax with this headstrong minister. While Washington was absent in July, having been suddenly called to Mount Vernon on private business, the lynx-eyed Hamilton found out that Genet was stealthily procuring a refit of this vessel to cruise as a French privateer under the new name of "The Little Democrat." A cabinet meeting was held; and, as it seemed probable that the vessel would sail the next day, imme-

diate notice was sent to Governor Mifflin, whose Secretary of State, Dallas, appeared before Genet at midnight, and informed him that unless he detained the vessel's de-
July 6. parture until the President should return, it would be forcibly seized. Genet flew into a passion, and, commenting violently upon what he styled the ungenerous course of President Washington, declined to make any positive promise of detention. Upon this report Mifflin ordered out a militia detachment to take possession of the vessel.

But Jefferson, who was desirous of keeping our
July 7. French intercourse in a smooth channel, held an interview with the enraged diplomate the next day, which terminated, after a like torrent of angry complaints, in Genet's assurance that the vessel would not be ready to put to sea for some time, but was only to drop down the river for convenience of loading. Relying upon this statement, and yielding to the minister's earnest remonstrances against provoking violence by putting armed men on board, Jefferson had the militia dismissed. Hamilton and Knox, however, wished a battery erected below to fire on the privateer and sink her if she should attempt to pass. The President did not arrive until the 11th, when the papers of the case were at once put into his hands, together with a statement of the rash words Genet had used respecting him, in the course of which he declared he would appeal from the President to the people. "Is the minister of the French Republic," Washington wrote indignantly to Jefferson, who was now sick in the country, "to set the acts of this government at defiance with impunity? And then threaten the Executive with an appeal to the people! What must the world think of such conduct, and of the government of the United States in submitting to it?" A cabinet meeting, which Jefferson could not attend, was held the next day,
July 12. at which it was resolved that all privateers which any of the belligerent powers had equipped within the United States, — for English privateers were likewise being fitted out in this country, — should be detained in port, while pending law questions were submitted to the justices of the Supreme Court. But "The Little Democrat" had

already fallen down to Chester, and, disregarding the President's action and his own promise, Genet let her go to sea.[1]

Washington had a new humiliation to bear in the failure of the criminal prosecution against Henfield, who, in spite of the strongest evidence, was acquitted by the jury. The popular sympathy on his behalf was turned to the reproach of an administration, charged in the press with having joined the league of kings against liberty. A dinner party was given by Genet in honor of Henfield's acquittal. The Supreme Court justices, too, declined upon constitutional grounds to furnish an opinion upon the delicate questions propounded, inasmuch as no test case was before them. The judge of the Pennsylvania district disclaimed prize jurisdiction, moreover, on the ground that this was rather for the captor nation to exercise.

The administration presently determined to procure Genet's recall. In this decision all of Washington's cabinet concurred; Hamilton, however, advising a summary dismissal, while Jefferson favored a more cautious course than the President himself thought desirable. The delicate correspondence which ensued with Morris, our minister at Paris, and with Genet himself, Jefferson conducted with becoming spirit and dignity. Meanwhile rules were adopted, which the cabinet unanimously signed, concerning the equipment of vessels; collectors of customs were directed to keep strict watch and communicate suspicious proceedings to the district attorney and governor of the State; and it was determined that hereafter the administration would use all the means in its power to maintain a strict neutrality. Of this determination the British minister was informed, as completing the full measure of international obligation on our part for the future; while, as to prizes captured by French privateers which had already been fitted out in the ports of the United States, contrary to the notice given in June, Genet was ordered to make restitution, since otherwise this government would compensate the losses and look to France for indemnity.

Aug. 1-8.

Aug. 5.

[1] 10 Washington's Writings; 5 Hamilton's Republic; 4 Hildreth.

Genet, when notified of these latest proceedings, was visiting New York, where, from the Tontine Coffee-House, the French flag was gayly flying, surmounted by a liberty cap of crimson, adorned with a white tassel. The friends of liberty, equality, and the rights of man were enthusiastic over a fight which had just taken place outside the bay between "L'Embuscade" and the British frigate "Boston," in response to a challenge indiscreetly sent by Captain Courtney of the latter vessel; for the French commander, Bompard, had won with the superior vessel and Courtney was killed. But the popularity of Genet, which had now begun to wane, declined rapidly as soon as it was perceived that he had made an issue with Washington's administration, and meetings were now called in all the leading cities of the Union to strengthen the President in his attitude of neutrality.

Hamilton and Knox, having failed in their effort to procure Washington's sanction to a full publication of the Genet correspondence, for the purpose of vindicating the administration before the people, did not fail to let the minister's boastful threat leak out; and, a report accordingly gaining circulation that Genet had declared he would appeal to the people from certain decisions of the President, a

Aug. 13. newspaper card appeared over the signatures of John Jay and Rufus King which vouched for its authenticity. Genet, now put upon his defence, appeared at a constant disadvantage, which was increased by his ridiculous strut, in the manifest effort to produce popular effect.

August. He first wrote to the President, asking him to disavow that he had ever threatened such an appeal; but to this he received, through Jefferson, a frigid reminder that the established channel for diplomatic correspondence

Nov. was through the Secretary of State. Demanding next a prosecution of Jay and King for libel, which the Attorney-General refused, Genet threatened to institute legal proceedings on his own behalf; whereupon Jay and King issued another public statement, giving the source of their information, and recounting the interviews held with Genet over "The Little Sarah" at greater length. This

concluded the issue as concerned our people, whose quick resentment of the affront Genet was shown by such testimony to have offered their Chief Magistrate must have been keen enough to convince Genet that he had ill-chosen his tribunal.[1] The French minister suffered further in American esteem from the revelation that some of the fiercest tirades against the government which had appeared in Bache's paper were prepared by his own secretary. Finally, about the close of the year plundering designs against the Spanish possessions at the Southwest were disclosed, in which Genet was actively implicated.[2] Washington was about to supersede his functions altogether, when dispatches came from France announcing his recall in terms which strongly disapproved of his official behavior. The new minister of the French Republic, Fauchet, arriving in February, proceeded quietly and quickly to Philadelphia, with his credentials, as though to point a contrast with his predecessor by procuring recognition before undertaking his functions. Genet, who had at the last disclosed his instructions through the medium of the press more freely than was proper for the sake of a personal vindication, valued his life too well to risk returning to France. As the most permanent success of his mission, he had won the hand of Governor Clinton's daughter; so, leaving French politics with its vicissitudes, he now subsided quietly into domestic life in New York, the waters of forgetfulness closing over him as he disappeared from public sight.

A minor cause of offence had been the authority conferred by Genet upon the French consuls and vice-consuls in American ports to decide prize questions like courts of admiralty, thus virtually condemning vessels in case of capture, without an impartial hearing.[3] A circular was issued by the Presi-

[1] From a counter-statement by Dallas it might perhaps be inferred that Genet's intemperate threat was not revolutionary, but that he only misapprehended the constitutional functions of an American Executive. Genet had denied too much, however, to enable himself to set up such a plea.

[2] See Boston Centinel, November, 1793–January, 1794; Congressional Documents.

[3] Some years later the Supreme Court pronounced a decision which

dent's direction threatening to revoke the exequatur of any consular officer who should persist in such usurpation; and in a flagrant case, that of the vice-consul in Boston, who had forcibly rescued a vessel brought in as a French prize from the hands of the United States marshal, this threat was carried into execution. But the public sympathy rendered it impossible to indict the consul for his misconduct, much to the delight of Genet, who had protested intemperately against this executive procedure. Though Hammond had complained of this French institution, the colonial prize courts of his own government were scarcely better. The governor of every little island in the British West Indies was exalted into a prize judge, and compensated by fees, ignorant as he might be of the law he administered, and dissolute in his personal habits. It became almost certain confiscation for an American vessel to be brought to the Bermudas, for appeals were so obstructed as to be practically of little or no avail.

Sept. 7.

October.

Before the recall of Genet had been determined upon, Washington held in his hands the proffered resignations of his two chief secretaries. His peace of mind, and the harmony of the administration councils, required that one or both should be promptly accepted. Jefferson had proposed resigning in September, but the President induced him to remain until the end of the year, when Congress would be assembled. It was Hamilton's wish that his own retirement should take effect not sooner than the close of the coming session; his department plans were to be brought forward in Congress, and he wished an opportunity for resuming that investigation into his official conduct which neither he nor the President thought concluded.

Hamilton appears to have had no stronger motive for resigning than the sensitiveness he felt over his treasury projects, and a conviction that Washington was wary about committing himself to them, as though personally distrust-

declared such French consular courts invalid, and established prize jurisdiction in the District Courts of the United States. See 3 Dallas, 6.

ing his good faith.[1] But with Jefferson, it was a feeling of profound disgust concerning his present position in the government, liable as it was so constantly to misconception. He had held over a few months, only to find that on the new foreign issues, which most affected his own department, he was far from being in accord with the President. The newspaper which was looked upon as Jefferson's pet organ denounced the President constantly in words which wounded the latter to the quick. Madison and the new opposition party looked to him constantly for direction. The ultra French partisans thought him pusillanimous, or rather, as Genet tartly insinuated in his correspondence, a Secretary of State who had "an official language and a language confidential." His position grew more intolerable every day. Scarcely a phase of the belligerent troubles had come up for cabinet discussion which did not find Jefferson advocating one course and Hamilton another; the latter always carrying Knox with him, while the former found but slippery support from Randolph, whose mind ran to cobweb distinctions, and who, as Jefferson used to say, would give the shells to him and the oyster to Hamilton.

Jefferson had considered the proclamation of neutrality a bitter pill, but needful to keep the United States out of a foreign war. In its practical enforcement, however, he would not have had Britain, without a treaty, better off than France with one; and it seemed to him as if the President, high-minded and honorable as he undoubtedly was, had set a machine in motion which he could not afterwards regulate at pleasure. And yet, warm as were his sympathies for France, and ready as he doubtless was to give her the advantage as a belligerent nation, Jefferson gauged Genet very quickly, and warned his friends that unless the Republican party abandoned so imprudent a man he would ruin it. Nor would he commit himself to the new party style of "Democrat," or the Democratic clubs which were now forming in the chief centres after the Jacobin model, under the

[1] See Hamilton's Works, June, July, 1793; 5 J. C. Hamilton's Republic, 269, etc.

auspices of Americans as respectable as Rittenhouse. He ever clung to the name of "Republican," and his present advice was that the Republican party should approve unequivocally of a state of neutrality, avoid little cavils as to who should declare it, and abandon Genet, with expressions of friendship for his nation and a confidence that he misrepresented it. But the Secretary of the Treasury and his advocacy of British interests Jefferson detested.

Aug. 11.

Hamilton, who harmonized scarcely better with the President in his policy, had begun publishing in June, as "Pacificus," a series of newspaper essays, which defended the proclamation of neutrality from his own peculiar standpoint, and as though to lead the Executive to a repudiation of the guarantee to France, irrespective of Congress or the judiciary. In another anonymous series, signed "No Jacobin," he set out to break down the French treaties more completely. Madison, as "Helvidius," entered the lists against the dangerous claim of an executive prerogative which "Pacificus" had thus asserted; and this upon Jefferson's urgent appeal to take up the pen and "cut him to pieces in the face of the public."[1] An attack of yellow fever in the malignant season prostrated Hamilton in the midst of his unpopular tasks. His recovery was slow, and political enmities were meanwhile suspended. While the President himself was considering whether to summon Congress to meet in some safer place, the deadly disorder disappeared from Philadelphia and our national legislature reassembled in the brick court-house at the time appointed.

Dec. 2.

The House, by reason of the new apportionment bill, had passed, as was anticipated, into the control of the Republicans, who elected Frederick A. Muhlenberg as Speaker by a majority of ten votes over Theodore Sedgwick, his Federal competitor. Even the Senate was in an equipoise; and hence the refusal of that body, by a strict party vote, to

[1] Jefferson's Writings, June, July, 1793; 5 John C. Hamilton; 4 Madison's Writings, 84.

give a new Pennsylvania Senator his seat. This Senator, Albert Gallatin, was the most remarkable among those now pressing for the first time into the national arena. Of highly respectable Swiss nativity, solid in attainments, and liberally educated, his strange introduction into public life had been as a leader among the turbulent frontiersmen of Western Pennsylvania, with whom, a polished civilian in tastes, he had cast his lot. The part Gallatin had taken in the excise disturbances of that region prejudiced the Federal Senators violently against him; the real breadth and intellectuality of his character being not yet apprehended. Gallatin was old enough to be qualified as a Senator; but while the Federal Constitution required a candidate for this honor to be nine years "a citizen of the United States," he had not in fact taken the customary State oath of allegiance under the Confederacy until 1785, though a roving resident of this country ever since the year 1780. Upon this technical interpretation of the word "citizen" in the organic law Gallatin was denied admittance to the Senate; the Federalist members forecasting, not inaccurately, that in the present complexion of the Pennsylvania legislature any vacancy they declared would be filled by one in stronger sympathy with the administration. But, as the event proved, their harsh action was of positive advantage to so powerful a debater; for Gallatin was placed presently in that branch of Congress where his opposition was more conspicuous and pervasive, and his public advancement rendered more certain.

The rising temper of the Senate against Federal policy was shown in the early offer of a proposition to so amend the Constitution as to prevent stockholders in the United States Bank from voting in Congress. Although some of the members who accepted seats originally at the directors' board of that institution had now prudently slipped out, from regard for propriety and the good will of their constituents, others still remained who served likewise in the national legislature. This proposition was lost by a close vote; not so, however, the renewed motion, reinforced by much outside pressure, to throw open the doors of the

Senate during legislative sessions. It was in the discussion over Gallatin's qualifications that the entering wedge was here applied; and a resolve in the course of the session provided that Senate deliberations should be open after the end of the present session, and as soon as suitable galleries were prepared for the use of the public.

The Republican movement had been gaining strength in some of the leading Northern States. Pennsylvania, in particular, had grown zealous on behalf of revolutionary France, her most influential citizens, Governor Mifflin and Chief Justice McKean, aiding the popular impulse in that direction. Muhlenberg's return to the Speakership, of which the previous Congress had deprived him, was partly in recognition of the powerful support of this central State. In Massachusetts the liberal party had made an effort at the spring election to elect Elbridge Gerry; but the famous partnership of Hancock and Adams still bore down all opposition in the State; though for the last time, as it proved, for Hancock died in October.

By the end of the year it had become manifest that while the French flame burned more clearly in America after Genet was snuffed out, Great Britain alienated the affections of her former subjects farther than ever. The President's message and documents set forth the American grievances against her government with no effort to conceal or palliate them. Offensive to the extreme, the Pitt ministry had in June instructed English cruisers to detain all vessels bound to France with corn, flour, and meal, and take forcible possession of the cargoes on due payment for the same. The main object of this order was to take advantage of the failure of the French crops, and cut off the provision supplies which would otherwise reach that distressed country; but in effect a wanton outrage on neutral rights was here committed; for the effect of these instructions was not only to deny to Americans the right of selling their products not contraband to customers of their choice, but to force a supply to a particular belligerent. By indirection, too, American vessels, in contrast with those of Denmark and Sweden, were declared

liable to condemnation on the first attempt to enter a blockaded port. Finally, in respect of search, and the seizure of an enemy's property on board neutral ships, the privileges of non-belligerents were so utterly ignored that Great Britain seemed not mistress so much as tyrant of the seas.[1] Of a disposition to admit American vessels into the British West Indies or to grant them commercial privileges of any sort, there appeared no sign whatever, notwithstanding the liberal offer by France of her colonial trade, which invited a counter-bid; and if both nations had preserved an exclusive policy hitherto, France and Great Britain, there was less irritation felt against France, because no former advantage, as in the case of Great Britain, had been taken away from our trade.

The publication of both the British and the Genet correspondence at the end of the year, enabled Jefferson to retire from office with applause as one who had defended American neutrality ably against all aggressors. But as his last official act of importance, he submitted to Congress a report on American commerce which furnished valuable statistics with recommendations for its further extension. This report, which Jefferson had prepared in compliance with an order of the preceding Congress, avoided carefully all irritating allusion to late controversies, and in a lucid and forcible exposition, free from passionate language, summed up both the restrictions and advantages to which American commerce was subjected. The establishment of a system of discriminate duties was strongly recommended as the conclusion; a system in accordance with the universal practice of Europe.[2] Parting from his chief with respectful assurances, and receiving in return a warm tribute to his integrity and talents, Jefferson withdrew from public life in the noon of popularity. But from Monticello, after

December.

[1] Annals of Congress; Dipl. Corr.; Jefferson's Works, 1793.

[2] 7 Jefferson's Works. "It is not," Jefferson observes, "to the moderation and justice of others we are to trust for fair and equal access to market with our productions, or for our due share in the transportation of them, but to our own means of independence and the firm will to use them."

a respite of repose, he presently began to inspire if he did not direct the counsels of his party.

The President, upon Jefferson's retirement, transferred Edmund Randolph to the State Department, and gave the Attorney-Generalship to William Bradford, of Pennsylvania, a man of talents and purity of life, but unfortunately for his country in declining health. Freneau's *Gazette* having suspended during the season of yellow fever, the *Advertiser*, henceforth famous as Bache's *Aurora*, held the field of public circulation as the ablest and most outspoken anti-administration organ at the seat of government.

1794. Accepting without question the neutral position which the President had assumed towards belligerent Europe upon his executive responsibility, the House majority, nevertheless, began with the new year to stimulate a public resentment against Great Britain, already strong, upon the revelations made by the Executive message that her selfish, unaccommodating, and domineering disposition had become so fully revealed. In his usual calm and dispassionate manner, Madison brought forward some resolutions based upon the recommendation of Jefferson's report. Their purport was to discriminate by special duties against all nations not in treaty alliance with the United States. Though the name of no foreign nation was expressly mentioned, and Spain, Portugal, Russia, and Denmark were all nominally in the same category with Great Britain in this respect, the bearing of the resolutions could not be mistaken. The friends of Great Britain gained, therefore, a postponement of the discussion long enough to consult their oracle, and then Smith, of South Carolina, rose to deliver an elaborate speech against Madison's resolutions, which bore the unmistakable earmarks of Hamilton's own composition.[1] The Secretary had likewise procured a House reference to his department for

Jan. 3.

January.

[1] The paternity of Smith's speech was quickly discovered by Jefferson and others. Hamilton's son admits that the Secretary prepared it. 5 J. C. Hamilton's Republic.

commercial statistics, wherewith he might hope to refute the statements contained in Jefferson's report. To Smith's recitation of an able speech, Madison's reply was forcible.

With the prime facts of our existing commercial relations thus launched into dispute, the debate soon turned from discrimination as a policy to the political wrongs we were suffering from Great Britain, and the justice and right of resenting them. The Federalists charged Republicans with making a covert attempt, by discrimination, to ensnare the country in a reckless war with Great Britain in order to gratify a passion. They, in return, still maintaining the correctness of Jefferson's statistics, declared that the Federalists sought to assimilate our institutions to those of Great Britain, and keep us forever in a state of pupilage. Dayton, Boudinot, and Ames were among the prominent speakers against the Madison resolutions; Giles and others of the talented Virginia delegation in their favor. All the while, however, disclosures were being made which might well appall the friends of Great Britain. Spain had lately leagued with England under circumstances which made her fearful of losing her American possessions should France and the United States make common cause with one another. It so happened that the crews of American vessels, captured years before by the Algerines, had remained imprisoned while the pirate nation was trying to procure from our government an extortionate ransom which the President hesitated to pay. Portugal, having in the mean time quarrelled with the Algerines, kept the Straits of Gibraltar closed and hemmed the pirates in the Mediterranean, when, suddenly and without warning, a truce was made by the British consul-general at Algiers, upon a partial understanding with Portugal, who had likewise become an ally against France, and eight corsair vessels were let out to prey upon the ocean. The official explanation of this injurious procedure showed that the British consul-general at Algiers was, at all events, superserviceable on Portugal's behalf; but the disagreeable impression produced on the President's own mind was that of an artful British trick for loosing the wolves upon our fold. To meet the alarming situation,

Jan.–Feb.

Congress passed, this session, an act which laid the foundation of an American navy, in authorizing four 44-gun ships and two of 36 guns to be built, officered, and manned.[1]

While this recollection rankled America had another grievance less questionable. The British rule of 1756, enforced against the Baltic powers and their neutral doctrine of "free ships, free goods," was now extending by British orders so as actually to prohibit to the United States even a trade lawful in time of peace. The House had postponed the discussion of Madison's resolutions from early February to March, by which time came news that American vessels in the West Indies were being seized and condemned by British governors on frivolous pretexts. What could all this mean? it was asked. Inquiry revealed a new British order in council, dated November 6th, which extended its policy against neutrals so as to take away the last shred of American commerce in that vicinity. This new order directed British cruisers to detain all ships laden with goods, the produce of any French colony, or carrying provisions or supplies for the use of such colony. An authentic copy of this sweeping mandate reached Philadelphia about March 7th, and its contents were at once published by the press. The vexation against Great Britain, which had been on the increase all winter, was now lashed into sudden fury. Neutrals in debate, who had hitherto disapproved the Madison resolutions as irritating, now pronounced them only too tame for the new occasion. The partisans of Great Britain in Congress were reduced to a helpless faction. In the new discussion which arose Ames had the temerity to denounce these resolutions as having "French" stamped upon their face. "I wish," said Parker, of Virginia, in reply, "there was a stamp on the forehead of every member to show whether he is for France or England. For my part, I will not sit silently to hear that nation abused to whom America is indebted for her rank as a

March.

[1] Act March 27th, 1794. So hostile were Republicans to strengthening the national establishment at this time that naval preparations were ordered to cease in case of a peace with Algiers.

nation." Loud applause from the galleries greeted this spirited rebuke.[1]

The present excitement was aggravated by the simultaneous publication of what purported to be a speech, made in February by Lord Dorchester, to the Canada Indians, in which the opinion was expressed that there would soon be war between the United States and Great Britain. Lord Dorchester had just returned from England and might well have spoken by authority. Notwithstanding Lord Grenville's equivocal denial in Parliament that the ministry had authorized any one to incite the Indians against these American States, the speech was authentic, and as the expression of one habitually cautious in his utterances, Washington attached great weight to it.[2]

While the pulse of Congress beat highest, Dayton, of New Jersey, who had begun the session as a conservative, offered in the House a resolution for sequestering all British debts in the United States as an indemnity fund against the

[1] To a humane mind might appear some aggravating circumstances connected with this new outrage upon neutral commerce. The French revolution had engendered civil commotions in St. Domingo, Martinique, and others of the French colonial possessions, which culminated when the National convention of France proclaimed negro emancipation in those islands. Now the British order in council, which so affronted the United States, was really issued in aid of a great expedition, simultaneously planned for making a conquest of these French West Indies, with Spain's co-operation. The enterprise, which relied for success upon the aid of French malcontents, the late slave-owners, in fact, who had asked the invasion on their own behalf, proved in the end only partially successful.

[2] Marshall has questioned the authenticity of Lord Dorchester's speech, as did, of course, some Federal writers for the press also when it first appeared. But Hildreth and Sparks incline to think it was not spurious, and it appears that Governor Clinton made inquiry, at Washington's own request, and thought the speech genuine. See 10 Washington's Writings; 4 Hildreth, 483. None of these writers appear to have been aware that, in response to Randolph's letter of May 20th, 1794, the British minister acknowledged the authenticity of the speech in material particulars. Hammond to Randolph, May 22d, 1794.

wrongful seizures of our vessels. This caused greatest consternation among British partisans. Waverers asked delay; this course, it was objected, would injure American credit abroad, and we ought not to rush precipitately into war before trying negotiation. But the House inclined to pass the resolution at once, reserving intact only British investments in the public funds. "Reprisal is a right, reprisal is a duty," exclaimed Giles in the debate. An embargo had already been laid on all foreign-bound vessels in our ports for thirty days, and this was afterwards extended thirty days longer, and then left by law to the President's discretion during the entire recess.[1]

March 13.

Cabot and Strong, of Massachusetts, Ellsworth, of Connecticut, and King, of New York, had, upon a joint conference, agreed that a special mission to England was the thing most desirable, and their secret effort with the President, to which the leading Eastern Federalists of both Houses bent themselves, was to make Hamilton the envoy.[2] A selection more unwise was inconceivable; for, even admitting Hamilton capable of resisting the seductive influences of the British aristocracy, and turning to the advocacy of our neutral rights as though he believed there had been infractions, yet, with Congress and the people no treaty, since Great Britain would not grant all we asked, was so surely condemned in advance as that one bearing the name of the most dreaded Angloman of the time in America for its negotiator. Unlike Ames, Sedgwick, and others who in their confidence at least spoke bitterly of British policy, Hamilton, while all the winter writing down France anonymously, had suffered not one discoverable word to escape him which implied the belief that we suffered wrong from France's antagonist. The Secretary, besides, was still under investigation as to his financial conduct; and though himself freely courting inquiry, and bringing utter discomfiture upon all

[1] See Resolutions March 26th and April 18th, 1794; Act June 4th, 1794, c. 41.

[2] 5 Hamilton's Republic.

who conducted the prosecution, he had not been fully exonerated, but, on the contrary, was still so much distrusted in Congress that the House had at this session actually created a Committee of Ways and Means to consider expenditures, rather than continue longer to refer such questions to the Treasury.[1]

Whether the British ministry really took alarm at the threatening proceedings of Congress, or had only begun to apprehend that the United States, in casting off Genet, meant to refuse a war on the side of France unless forced to fight in order to have their neutrality respected, they now superseded the offensive order of November 6th by new instructions dated back conveniently to January 8th, which left American trade with the French West Indies unmolested, save in respect of property belonging to French subjects, or French products carried directly to France. This concession, accompanied by Grenville's soothing expressions to Pinckney, and his personal assurance that the desire of the United States to maintain neutrality prompted this change of instructions, had a mollifying effect. Congress welcomed the news, and in the House the debate on Dayton's resolution for sequestering British debts was postponed. This favoring lull Washington improved by sending to the Senate, as he had determined was desirable, the appointment of a special envoy to act in conjunction with the resident minister in London; the name was not Hamilton's, but that of the Chief Justice, John Jay. This nomination was readily confirmed against the opposition of Burr and Monroe. The more ardent Republicans feared that Jay was too facile

March 31.

April 4.

Ap. 16–19.

[1] John C. Hamilton considers that the investigation of Hamilton at this session fully exonerated him. This may be true as to certain charges, as, for instance, that of deviation from the acts which authorized loans, and the President's written instructions, in any such sense as to impugn his integrity. But, in reality, investigation lagged then and thereafter, because of the pressure of other business and disinclination, and hence never reached a point. Justice to Hamilton fairly requires that he be considered as amply vindicated; this, however, chiefly on the ground that his prosecutors in fact dropped their task.

a diplomate to send on such an errand, but the commercial class highly favored this appointment, and the only point made against him for public effect was that one actually holding the office of Chief Justice ought not at the same time to go abroad as an envoy.

The House still showed an inclination to prejudice negotiations under the plea that a spirited rebuke would facilitate them; and Jay's confirmation did not prevent the House from passing, by 58 to 38, a bill which would have discontinued all importation of articles of British growth and manufacture until our neutral losses were compensated, and the Western posts surrendered. The President felt relieved when this bill, which he would doubtless have vetoed, was arrested in the Senate at a third reading by the casting vote of the Vice-President.

While the plan of a British mission was under consideration, tidings of the Eastern combination on Hamilton's behalf got abroad, and Monroe, representing in a note that such an appointment would be highly injurious, asked a personal interview with the President to explain his reasons for entertaining such a belief. But Washington, sensitive both on Hamilton's account and his own, first took Randolph's advice as to the propriety of permitting a Senator to interfere with executive appointments, and then, somewhat in disregard of it, declined the interview, at the same time loftily informing Monroe that he might communicate his objections in writing; a permission of which the latter did not avail himself. Yet a hint, from whatever source, or however conveyed, Washington never threw away, much as he might be annoyed by it; and the reflective cast of his mind was frequently shown, not in reversing his sentence, but rather in pursuing with a favor the next day the person he had hastily repulsed the day before. Although he opposed both Hamilton and Jay for the British mission,

May. Monroe presently found himself nominated, to his surprise, as minister to France, this mark of favor being bestowed upon him after Chancellor Livingston had declined the appointment. The President desired, in fact, to so far disregard party preferences as to send an acceptable min-

ister to that country in place of Gouverneur Morris, whose recall the French government requested, on account of his notorious British predilections. Washington had thought, at first, of transferring Pinckney from London to Paris, but Jay would not consent to remain as the permanent minister to Great Britain.

Another diplomatic appointment which sent a future President across the ocean, was that of the Vice-President's talented son, John Quincy Adams, to the Hague. This flattering and unexpected call of a youthful attorney of twenty-seven, to take up the career of a statesman, was no mark of favoritism, but chiefly in recognition of the "Publicola" and other meritorious contributions to the press which had employed his pen while he waited for clients.

The Republicans of Congress had set out with the intention of promoting economy and simplicity in national affairs, as well as discouraging all tendencies to centralization. But the war-surf had lifted them off their feet the first time they entered the ocean, and in the new and unexpected exigency which had arisen it was found needful to augment the import duties and extend the excise to new articles, such as carriages, snuff, and refined sugar.[1] The neutral determination found strong expression in a foreign enlistment act, which forbade the recruitment of troops or the equipment of cruisers against a friendly power; in which respect America set an example which Great Britain was slow to follow. This act, which Genet's misbehavior had elicited, came down from the Senate, where it passed by the Vice-President's casting vote, with a provision hostile to French treaty privileges attached, which the House refused to entertain.[2]

In January the first annual convention of abolition societies in America had assembled at Philadelphia, the States represented in this and the next succeeding years embracing all of the Atlantic seaboard from Connecti- January.

[1] Acts June 5th, 1794, c. 48, 49, 51; June 7th, 1794, c. 54.
[2] Act June 5th, 1794, c. 50.

cut to Virginia.[1] Bloomfield, of New Jersey, was chosen to preside over a respectable body, among whose members appeared Doctor Rush, of Philadelphia, and Uriah Tracy, a Connecticut Representative. Suitable memorials to Congress and the State legislatures were here prepared, also an earnest address to the citizens of the United States. "Freedom and slavery," are the prophetic words of this address, "cannot long exist together." The States which had not yet abolished that domestic institution were urged in a fraternal strain to do so, and the convention advised the formation of societies in every State, to promote local abolition and stop the State importation of human beings. In response to the memorial which the convention addressed to Congress, an act was quietly passed at this session, prohibiting citizens and residents under heavy penalties, from carrying on the slave trade to any foreign country.[2]

The supreme tribunal of the nation could not have had a burdensome docket at a time when its chief justice could be dispatched on a foreign mission without detriment to its court business. And, indeed, the deliberations at this period of the highest court in the land attracted so slight attention from the public that the room where its terms were held in Philadelphia for ten years is not positively known at this day.[3] Resignations at this period were frequent among the justices, one reason for which must have

[1] These conventions were annually held at Philadelphia for four years at least, and certainly continued to meet at periodical intervals until the war of 1812 or later. But after the first two or three years, and more especially by the time Philadelphia had ceased to be the seat of government, distant delegates did not often attend. At this convention of 1794 delegates were present from the societies of Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland. The Virginia society, through some misunderstanding respecting the appointment of substitutes, failed of representation this year, but sent delegates to the convention of 1795. Penn. Hist. Soc. Coll.

[2] Act March 22d, 1794, c. 11.

[3] The court sessions were undoubtedly held, however, in the "City Hall," corner of Fifth and Chestnut Streets. And probably a south chamber upstairs was the room actually assigned. J. W. Wallace's Discourse, Penn. Hist. Soc., 1872.

been the obloquy the court had to encounter in pronouncing its first constitutional decision of importance. That decision in effect affirmed the right of a non-resident citizen to sue for money the State of Georgia before that tribunal.[1] The next day after this opinion was reluctantly rendered, Sedgwick, of Massachusetts, whose State was exposed to similar litigation, proposed in the House a constitutional amendment for depriving Federal courts of the dangerous jurisdiction of dealing with a State as such a defendant. The Massachusetts legislature, specially convened some months later, enforced this proposal by suitable resolutions, while in Georgia the knot was cut impetuously by a statute of open defiance against such process. Congress now initiated a new constitutional amendment which forbade citizens of other States or foreigners from suing one of the United States in law or equity.[2] This amendment the State legislatures promptly ratified, and a fresh proof was afforded of the elasticity and strength of our new Federal compact as compared with the old.

Feb. 1793. Sept.

Congress adjourned June 9th, leaving foreign relations for the time tranquil. With France there had been little disturbance for months. True, some American vessels laden with provisions had been carried into French ports, and enemy's goods on board of a neutral vessel had in a few instances been treated as lawful prize, contrary to the terms of the French treaty. But in Washington's opinion, the conduct of France was now generally friendly.[3] Her privateers had been few as compared with those sent out from the British Bermudas; a new system of prize-courts, which promised more impartiality than before, had been instituted, and Fauchet commenced his mission with the most gratifying assurances that every grievance on the part of the United States would soon be rectified.[4]

[1] Chisholm *v.* Georgia, 2 Dall., 419; Mr. Justice Iredell *contra*.
[2] Res. 8, 1794
[3] Message to Congress, Dec. 5, 1793.
[4] Dipl. Corr., March, 1794.

Of Great Britain's friendship, on the contrary, Washington's unfavorable impressions were still strong, and without her speedy surrender of the Western posts a genuine peace was impossible.[1] But Jay, reaching London in early June, met with so courteous a reception as to reassure both administration and the country. For the present, commercial intercourse was safe and unmolested as concerned both belligerents, and our embargo having been raised at the expiration of the sixty days, hundreds of vessels joyfully spread their sails and put to sea.[2]

Public attention, quickly distracted from foreign affairs, fastens for the remainder of this year upon two striking events, which transpired in the Western country: (1.) The insurrection in Western Pennsylvania; (2.) Wayne's victory over the Northwestern Indians. The first taught Americans, among other lessons, that the new central government was strong enough in the hearts of the people to crush out banded resistance to its lawful authority in any local confines. The second broke the backbone of the Indian war, and proved it thenceforth impossible for the copper-colored tribes to stem the course of white emigration which had set towards the Mississippi.

(1.) The whiskey insurrection in Western Pennsylvania was immediately occasioned by an unpopular excise tax, though the disaffection of this region to Federal rule was the fruit of a political irritation, not recent nor confined to distillers of whiskey alone, but reaching back to the issues of 1787. Distance from a profitable market made these trans-Alleghanians distillers of necessity, to a large extent, in order that they might realize from the produce of their lands, the greatest possible value with the smallest size and weight. Considering their habits of barter, and the general scarcity of cash among them, the government tax would have been far more readily collected, if accepted in kind,

1. Washington's Writings, April–July, 1794.

2 When this first American embargo ceased, it is said 244 vessels were released in Philadelphia, 222 in New York, and 254 in Boston. See Boston Centinel, June 21st, 1794.

which, however, was not permitted. But the greatest tribulation consisted in the obligation these distant distillers were under, should controversies arise, of responding to actions at the far-away Federal District Court of Philadelphia. This latter hardship Congress had lately corrected by giving concurrent jurisdiction to State courts in distillers' suits, wherever the cause of action accrued more than fifty miles from the nearest Federal tribunal.[1] Had this legislation taken effect upon the penalties previously incurred by delinquent distillers, the United States Government might have saved the million dollars it now had to spend in suppressing a reckless insurrection.

Soon after Congress adjourned, the United States marshal received a quantity of writs to serve in Western Pennsylvania. These were issued May 31st, and returnable at Philadelphia, and the defendants summoned were delinquent distillers. The writs for Fayette County were served without difficulty. But proceeding next with General Neville, the inspector of the district, through Allegheny County, the marshal was followed by armed men and fired upon. The next day a mob approached Neville's house, demanding the surrender of his commission; and having been repulsed, with six men wounded, one of them fatally, they reappeared on the 17th, five hundred strong, and attacked the place with such fury, notwithstanding a small detail of troops had been sent to the marshal from Fort Pitt, that Neville fled for his life, and his house and outbuildings were burned. The marshal, having been captured, was only suffered to go free on promising not to serve further process west of the Alleghanies. Escaping down the river by boat to Marietta, the marshal and inspector reached Philadelphia by a circuitous route, and there made report to the President.

July. July 15–17.

The leading rioters called a meeting at Mingo Creek, meantime, which ended in an unsigned invitation to the townships of the four western counties of Pennsylvania, and of those adjoining in Virginia, to send

July 21–28.

[1] Act June 5th, 1794, c. 49, § 10.

delegates to assemble August 14th, at Parkinson's Ferry, on the Monongahela. David Bradford, a braggart of sounding brass, whom Gallatin, once a political rival, appears to have held utterly in contempt, but who nevertheless had the faculty of inspiring terror on this occasion, and who had been concerned in the former anti-excise disturbances, gained chief control of the present movement. His ambition was, as later investigation showed, to found an independent State west of the mountains. To overawe the peace men of this neighborhood, Bradford presently procured a highway robbery of the mail, and used intercepted letters to kindle a popular fury against them. While the turbulence was in full flame, he and six others, including another of the anti-excise men of 1792, James Marshall,[1] directed the officers of the local county militia to assemble at Braddock's Field, August 1st, with as many volunteers as they could muster, armed, equipped, and supplied with four days' rations. On the appointed day, some two thousand armed militia, in yellow hunting shirts, their heads bound with kerchiefs, gathered at the place of rendezvous. But as their officers were distracted in councils, it was concluded not to assail the United States garrison at the fort, as some had desired, and the militia demonstration came to a mere march through the streets of Pittsburg, to scare the inhabitants. No more wanton violence was committed than burning a barn. The peace men, or rather the authors of the intercepted letters to Philadelphia, which Bradford read aloud at Braddock's Field for the purpose of inflaming the passions of the troops, had already hastened to escape the vengeance which otherwise might have been wreaked upon them.

July 26.

July 28.

Aug. 1.

President Washington, on hearing of the forcible resistance the marshal and Neville had encountered, determined to enforce the laws with vigor. All of the cabinet concurring, except Randolph, the Secretary of State, whose indecision of character became at this crisis painfully evident, a proclamation, based upon the proper ju-

Aug. 7.

[1] *Supra*, p. 232.

dicial certificate, was issued, which commanded the insurgents to disperse; and requisitions were further made upon the governors of Pennsylvania, Maryland, Virginia, and New Jersey, for 15,000 men in all. Deferring, however, to Governor Mifflin and his own Secretary of State, Washington did not call the troops into immediate action, but tried first the experiment of sending out a commission to the insurgents, with instructions for arranging their peaceable submission. Three of the commissioners on the part of the United States were appointed by the President. Governor Mifflin added two on Pennsylvania's behalf. James Ross, the Senator who had been chosen in Gallatin's place, Attorney-General Bradford, and Chief Justice McKean, of Pennsylvania, were of the number.

The commissioners arrived soon after the assembly had taken place at Parkinson's Ferry, whose riotous call we have noted. In a grove on rising ground, overlooking the Monongahela, 226 delegates, chiefly from the Western Pennsylvania counties of Washington, Alleghany, Westmoreland, and Fayette, convened on the appointed day; Ohio County, Virginia, being likewise represented. A rude gallery of stumps and fallen trees partially accommodated some 200 spectators, gathered from interest or idle curiosity. All the chief actors in the recent tumults were present. Cook, who had presided at the militia gathering in Braddock's Field, was chosen chairman, and Gallatin officiated as secretary. Bradford's main object was, with Marshall as his second, to commit this convention to the adoption of treasonable resolutions, artfully drawn; but Gallatin, with whom concurred Judge Brackenridge, a man of literary tastes, gave a different course to the meeting, and as though merely to protest against the excise laws. These finally carried a dissolution of the assemblage, after a committee of sixty had been chosen, whose sub-committee of twelve was empowered to confer with the approaching commissioners from the President and Governor. Both committee and sub-committee appeared disposed to submit peaceably to the government, desiring by no means to carry their protest against obnoxious acts to

Aug. 14.

Aug. 20–Sept. 11.

the point of open disloyalty; but Bradford's violent minority so wrought upon the nerves of the non-resistants among these Western inhabitants, that in the short time allowed by the President's commissioners for the people of the disaffected counties to sign the submission which they brought with them, only a partial and incomplete compliance with the terms of Washington's professed amnesty was obtained.[1]

The commissioners having made an unfavorable report of their visit to the disaffected counties, Washington once more admonished the insurgents by proclamation, and ordered out the troops for action. The militia of the States called upon to furnish quotas responded with great alacrity, field officers turning into the ranks; men of fortune shouldering their knapsacks by day, and sleeping at night on straw, each under his single blanket. Three governors appeared at the head of their several State detachments, and the Maryland troops were commanded by Samuel Smith, an eminent member of Congress, of moderate politics, who had been a brigadier-general in the Revolution. Under the authority of the Pennsylvania legislature, convened in special session, Mifflin had at length recruited his regiments with great spirit and energy, as if to repel all suspicion of disaffection, and now headed them in person. To Governor Harry Lee, of Virginia, Washington intrusted the general command of this expedition into the insurgent counties, not without first conducting the forces himself as far as Bedford. Pennsylvania and New Jersey troops formed the right wing, and those of Virginia and Maryland the left. Hamilton, upon his earnest solici-

October.

[1] All of the sub-committee, except Bradford, favored submission to the commissioners. While Bradford's speech afterwards, before the committee of sixty, plainly proposed a treasonable course, Gallatin led the members as their secret wishes inclined, at the risk of his life. And yet the general hesitation to vote upon this vital question proved such that the expedient applied for testing their sense was that the secretary should write "yea" and "nay" on sixty scraps of paper and distribute them. The votes were collected in a hat, each man concealing his ballot and destroying the part of the paper he retained. A count of the tickets thus obtained showed 34 for submission and 23 against it. Adams's Gallatin, 137.

tation, was permitted to accompany the expedition all the way to Pittsburg.

Rebellion, however, had been crushed before this powerful array reached its destination; for new conventions at Parkinson's Ferry pledged the submission of the people they represented; notwithstanding which news the troops continued their advance. Over the Alleghanies they made their toilsome way, just after a heavy rain, wading knee-deep in mud. On the other side of the blue barriers they found neither militia nor mob to oppose them. Bradford, whose guilt was conclusive, was making his rapid escape down the Ohio. Other ringleaders in the late violence had fled. The inhabitants of the Western counties, by this time repentant and gladly submissive, availed themselves to the utmost of the President's generous terms of amnesty, and took the oath of allegiance as Lee required them to. Hamilton investigated the whole business, and some arrests were made; but as the leading culprits had already disappeared, government prosecutions could avail little. Of a few tried for treason, none were convicted; and the President, still exercising great clemency and forbearance, pardoned two who were found guilty, the one of arson and the other of mail robbery, and who otherwise might have suffered the death penalty. A detachment was left in the disaffected region of Western Pennsylvania during the winter, under command of the veteran General Morgan, but no further disturbances occurred.[1]

Oct. 2, 24.

Oct.–Nov.

(2.) Of Wayne's victory over the Northwestern Indians, the good news reached Lee's volunteers to cheer them while they were toiling over the mountains. The Blacksnake, as the Indians had come to call our commanding general, certainly conducted his Western campaign with the utmost prudence, profiting by his predecessor's bitter experience. While our little Western army, in 1793, was being slowly

[1] For full accounts of this insurrection see Works of Findlay and Brackenridge, actors who played here no very discreditable part. The former writes, however, in a vindictive strain. See also Adams's Life of Gallatin, which furnishes some fresh incidents; 4 Hildreth; 5 Hamilton's Republic.

recruited and drilled, the President had sent commissioners to the Indians for the purpose of friendly negotiations; but every effort failed to draw the savages from their resolve to consider the Ohio River as their southern boundary line, without which concession on our part peace and a treaty were impossible. Making Pittsburg his first rendezvous in 1792, and thence, in 1793, proceeding gradually, by way of Fort Washington or Cincinnati, into the Indian country, over the route Harmar and St. Clair had traversed before him, skirmishing on occasion, and setting up supply posts at convenient points, Wayne gradually wound into the neighborhood of St. Clair's melancholy disaster. At the present site of Greenville his main army wintered in log huts, an advance detachment occupying the old battle-ground and building a stockade, which was named Fort Recovery. From this fort, which the Indians had meantime assaulted in vain, Wayne, now materially strengthened by a reinforcement which arrived, consisting of about 1100 mounted volunteers from Kentucky, his own force, after deducting those in garrison, not greatly exceeding 2000 effective men, stealthily advanced in midsummer, 1794, to the junction of the rivers Au Glaize and Maumee. Here he built another stockade fort, which, as if to disclose his new aggressiveness of purpose, he called Fort Defiance. The Indians, fleeing at his approach, found themselves now cut off from the richest emporium of their whole country, where for miles appeared one continuous village, with yellow cornfields ripe for the harvest. Little Turtle and his forces at length encamped at the foot of the Maumee rapids, near a British fort, which had been built in utter disregard of the treaty of 1783, fifty miles within our established boundary line, and whence, most probably, the Indians had hitherto procured both fighting men and supplies for this protracted war. Having first reconnoitred to ascertain the enemy's strength, and receiving favorable reports, Wayne now made a final effort to detach the Indians from their British advisers, and to negotiate a treaty with them on admissible terms; but, contrary to the counsel of Little Turtle, who

1792–93.

1794. June 30.

July 28.

August.

had come to fear "the chief that never slept," they sent back a haughty response. Hereupon Wayne advanced and gave battle. A gallant charge of our troops, at the point of the bayonet, started the savages from their covert of fallen timber, and after a short and spirited action they, together with their ill-disguised British and Canadian allies,[1] were driven with great slaughter close up to the British fort, whose guns maintained a prudent silence. For three days after this engagement the victorious American army ravaged this beautiful Indian country, destroying crops and log huts, and committing to the flames, besides, storehouses of the British trading agent, which had been built here. Wayne then fell back to Fort Defiance, and after constructing Fort Wayne at the head of the Maumee, retired into winter quarters at Fort Greenville, leaving his new advance posts well garrisoned.

Aug. 20.

Sept.-Oct.

Wayne's victory, we may here add, brought the stubborn Indian war in this region to a close, and presently opened the whole country north of the Ohio to a prosperous settlement. All the succeeding winter came Indian deputations to Fort Greenville suing for peace, and by a general treaty, signed in the summer of 1795, the pacification of the Northwestern tribes was completed by a surrender of territorial claims on their part as far westward as the Wabash. A general exchange of white and Indian captives also took place. Wives and husbands were united, who for years had been separated, and Kentucky parents welcomed to their hearthstones children who had grown up among savages, ignorant of their native tongue and of civilized manners.

1795. Aug. 3.

Such was the closing triumph of a brave and discreet revolutionary general, whose traditionary fame is rather that of a hare-brained hero. Wayne died in 1796. This happy peace and permanent tranquillity, which his good conduct chiefly accomplished, were hastened and secured,

[1] In this contest, and that of June, at Fort Recovery, white men were seen fighting on the Indian side, some with painted faces. It was readily conjectured whence they had been procured.

no doubt, by the removal of that external British pressure which for years had been secretly exerted upon these simple natives to the prejudice of the United States. The Jay negotiation, to which we shall presently recur, brought about the long-delayed surrender of the Northwestern posts, which had been solemnly promised in 1783, and left our government sovereign, in fact as well as name, within its rightful jurisdiction.[1]

Leaving the militia marching into Western Pennsylvania, Washington had returned to Philadelphia, in order to meet Congress on its reassembling. But no quorum of the two Houses appeared on the day appointed, nor until November 18th. In the President's opening message of the next day, which recited the events of the excise insurrection as they had thus far transpired, appeared for the first time his political censure in an official rebuke of the democratic societies which Genet had instituted in imitation of the French Jacobin clubs. These "self-created societies"[2] (so Washington now styled them), which had fomented injurious suspicions against the government, by ignorantly or wilfully perverting the facts, fostered undoubtedly the Pennsylvania insurrection, and Washington meant that the country should countenance them no longer. His censure at such a time was sufficient to sink them into contempt. One need not in our day contend that clubs organized in a free country to disseminate political principles may be rightfully self-created, or that the main inquiry should be, where men have associated to promote certain objects, what are those objects, who are the men professing them, and how are the principles carried out. Neither in men nor principles, nor again, in the manner of enforcement, were these democratic clubs of Washington's day worthy of confidence. Organized directly in a foreign and French interest, they had constantly embarrassed the

Nov. 3–19.

[1] A graphic portrayal of Wayne's campaign will be found in Lossing's War of 1812. And see Wayne's Official Reports; 4 Hildreth.

[2] The phrase, "self-created societies," could not have originated in this message, for such a stigma was applied in the public prints to these clubs a year earlier. See *e.g.* Boston Centinel, December, 1793.

administration by an indiscreet and heedless, though perhaps well-meant, interference with public measures in the course of their lawful execution; encouraging a direct popular opposition to authority, instead of working through such proper intermediate channels as the ballot-box and the vote of representatives in Congress. Their methods were revolutionary and foreign; one, at least, of them [1] affiliated with Jacobin clubs in Paris; and their whole tone tended to that public insubordination for which France was soon sufficiently punished. The Democratic society of Philadelphia, though outwardly disapproving a violent resistance to the excise, had really encouraged it by condemning the law which the rioters resisted, as though an Executive were not bound by his oath to enforce it.

All this din and swirl, however, of political commotion which made men's heads grow dizzy with the idea of living under laws they need not respect, followed the lifting of those national sluice-gates, through which rushed the popular torrent for the first time into the new basin the Constitution had provided for it. For the wordy abuse and over-excitement of all popular political turmoils, our later statesmen know how to make abundant allowance. But it was not strange that so many sage counsellors now vested with authority, accustomed as they had been to public expressions in the milder form of resolutions and addresses voted in legitimate town and county meetings, should have regarded with mingled emotions of disdain and alarm this new manifestation of mass meetings and "rabbles formed into clubs," exercising a censorship; nor that they should have sought to exclude such organisms from the pale which already protected abolition societies and the Cincinnati, as "self-created" and capable of a certain political influence.

Another circumstance, besides Washington's public rebuke, hastened the decline of the democratic societies in America; and this was the downfall of Robespierre in France, and the French Jacobin clubs with him. The mad progress of events in that country might well check the

[1] At Charleston, South Carolina.

confidence in republican experiments, of those who failed to consider the more favoring conditions which now attended the administration of a popular government in America and which France herself found in another century.

In the strange absence of a prominent foreign issue to distract opinion, the Republicans felt keenly the political reaction which was setting in sensibly against them, as Democrats and Jacobins, in heart, if not nominally. The Pennsylvania folly had already cost them votes in the fall elections which they could ill afford to lose. It was in vain that they now tried to exculpate their party from an insurrection due, as they declared, to local causes solely; that they sought to disclaim all connection with the clubs denounced in the President's message. As the spirits fell of the Republican leaders in Congress, so those of their Federal opponents arose; and as under such circumstances it may likely happen in any legislature closely divided, the present session, quite in contrast with the preceding one, was given over for the most part to childish quibbles, and to word-play over resolutions with trap clauses. The Federalists had been dubbed "monocrats"; they now retorted upon the Republicans with the not inapt style of "mobocrats." Democratic clubs had been instituted for correcting, as they professed, the designs of an aristocracy, but these clubbists were now pronounced aristocrats for arrogating to their set a special right to criticise public measures. Inasmuch as the Republicans of both Houses, for self-justification, were forced, in responding to the President's message, to disapprove the excise insurrection and commend the Executive action in suppressing it, the exultant Federalists strove that the response in each House should go so far as literally to condemn with the President "self-created societies," but only the Senate could be forced to make it so. But while this Congressional special pleading went on, the laugh was not always on one side.[1]

1794-95.

[1] In view of the great influx of emigrants at this time of various political creeds, a new bill, which lengthened moderately the term of residence preliminary to citizenship, passed this session by general consent. Act January 29th, 1795, c. 20.

The chief act of the present session, and as Federalists claimed it, the crown of their own financial measures, though Republicans helped its passage, was that which made fast the funding system; which transferred the entire charge of the public debt from the Treasury Department to commissioners of the sinking fund, and appropriated the surplus revenues for interest payments and the gradual redemption of the principal. In promotion of this end, impost was declared a permanent revenue, but not so the excise, whose continuance, as Hamilton had counselled, was limited to the year 1801. The public debt now stood at something like $76,000,000, added to which were $5,000,000, in temporary loans. The President's opening message had taken decided ground in favor of plans for a gradual reduction, urging measures "to prevent that progressiveness of debt which must ultimately endanger all governments."[1]

Before the Treasury Department was thus shorn of influence, Hamilton had retired from office. The date of his intended resignation, postponed long enough to ascertain for himself how Jay's mission would turn out, he fixed, soon after returning from the march to Pittsburg, at the last day of January; notifying the Speaker of the House of his intention two months earlier, for the purpose of challenging, should Congress so require, a further investigation into his official conduct. No such investigation, however, was ordered or desired, and Washington's farewell letter gave assurance of his own satisfaction that confidence in the Secretary's talents, exertions, and integrity had been well placed. Hamilton retired from office without a fortune, a circumstance highly honorable, of which his friends now made no little vaunt for political effect. Avarice certainly had never been one of the Secretary's failings; and yet leaving public life less than forty years old, after so impressive an administration of the Federal Treasury, he had the most opulent and generous professional clientage in America at his command, and needed only to apply himself for a few years to the vast interests of the merchants and financiers

[1] Annals of Congress, Act March 3d, 1795.

he had already placed under personal obligations, and who now crowded about him, to become the wealthiest practitioner at the American bar. Thus, too, he might have overcome that popular odium which stung him while he was provoking it, and for which a temporary seclusion promised the surest cure. But to Hamilton this departure from the cabinet meant only to shift his position while he regulated operations much as before. What confirmed him, perhaps, in this course was, that his successor in the Treasury was one who had risen from a subordinate position by his favor, and who would undoubtedly both listen to his advice and feel predisposed to follow it. Hamilton had, for the six months preceding his departure, absorbed, indeed, nearly all the department functions under the administration,[1] and his habit of mind was not to trust greatly to others.

Knox left the War Department about the same time, in order to devote himself to private concerns, particularly his land speculations. This officer deserved well of the country he had long and faithfully served, and yet such had been his constant deference to his brilliant associate in cabinet meetings, that it was now said, not without a touch of punning paradox, that Knox followed Hamilton "as the shadow the substance." His intention of resigning having been intimated early in 1794, Washington tendered the War Department to Charles C. Pinckney, who declined it. Timothy Pickering was now transferred to this place from the Post-

[1] The Secretary of the Treasury had no confidence in Randolph, and hence had interfered both with the President and Jay himself (though Washington held to his own course), concerning Jay's instructions. He was strenuous to have the "contraband" defence of the British corn orders admitted, and earnestly seconded Hammond in trying to have compensation tendered, through Jay, for the British vessels captured by Genet's privateers. He had officiated as Secretary of War, during Knox's late absence, in directing the expedition against the insurrectionists of Western Pennsylvania, and he then accompanied it, distrusting, as his letters showed, both Mifflin's honor and Lee's discretion. By Hamilton Knox was styled "poor Knox." The ill health of Bradford, the Attorney-General, had prevented that excellent cabinet officer from influencing affairs to any great extent. Hamilton Papers.

master-Generalship, while Oliver Wolcott, of Connecticut, the industrious Comptroller, became, on Hamilton's recommendation, promoted to the responsible head of the Treasury.

Jefferson, from his distant seclusion, viewed uneasily the tameness of his party friends in Congress, though devoting himself, as yet, more closely to experimenting with clover and potatoes than the rotations of politics. Stories of his disaffection to the administration had been whispered in the summer to Washington, whose characteristic response was to tender, in assurance of his own undiminished confidence, a special mission to Madrid, which Jefferson, acknowledging the delicate act, declined to accept.[1] Against the President's denunciation of self-created societies, nevertheless, Jefferson inveighed bitterly, and he ridiculed the militia demonstration against Western Pennsylvania as a costly display of force upon insufficient provocation. "The excise law is an infernal one," he querulously complained. Here, as in the Shays rebellion, to which in several points the whiskey insurrection may be thought to correspond, Jefferson's sympathy with the distressed, while too far off to study the true merits of the situation, blinded him to the lawlessness of their conduct, which had left to a prudent Executive, in either case, no choice but to enforce the authority of government at all hazards. Had Jefferson been present at Philadelphia with a share of the executive responsibility on his own shoulders, it is not likely he would have dealt better or differently by the insurgents than did the President. The best men of his own party in Congress sanctioned the course Washington had taken, and disavowed responsibility for the unfortunate tumults that had arisen.

[1] See 6 J. C. Ham. Rep., 85–88, bringing to light Randolph's letter of August 28th, on file in the Department of State, which elicited Jefferson's reply, published in his correspondence, September 7th, 1794. Mr. Randall (Jefferson's admirable biographer), and others who had read only this reply, supposed, erroneously, that a cabinet position was here tendered and refused.

SECTION II.

PERIOD OF FOURTH CONGRESS.

MARCH 4, 1795 — MARCH 3, 1797.

PUBLIC attention turns now to Jay, and to the progress and results of his important mission. The President had taken a hazardous responsibility in sending to London uninvited, an envoy extraordinary, whose rejection must have compelled Congress to declare war; and it was chiefly to reduce the issue with England to such a point that he did so. But the manner of Jay's reception soon relieved him of the worst anxiety. Reaching London in early June, the American envoy was not only officially recognized but welcomed with hospitality. Pitt promptly accorded him a private interview at Downing Street, and vied with the Lord Chancellor in social civilities. Jay dined with Lord Grenville shortly after his arrival, and found the cabinet ministers present; not, however, a single foreigner. The King himself was gracious, in his abrupt way, as never before to an American ambassador. "Well, sir," he presently accosted Jay at the drawing-room, nodding and smiling, "I imagine you begin to see that your mission will probably be successful."[1]

1794.

At this time Great Britain rejoiced over a naval victory Lord Howe had just achieved, and the war with France was immensely popular among the influential classes. With real or assumed frankness, the ministry now gave Jay to understand that secret measures had in fact been taken against the United States formerly, under an impression, heightened by the manner of Genet's reception and the popular language of America, that the United States were preparing to ally with France against Great Britain; but as the President's policy developed, this impression they said was removed, and their hostile measures were abandoned. Neutrality on our part was not quite satisfactory to them; for at a public dinner given by London merchants in the

[1] 2 John Jay's Life.

American trade, the bait of a British alliance was thrown out adroitly to their distinguished guest, but Jay perceived the hook and avoided it.[1] Accepting Jay's mission, however, as Jay properly construed it, Grenville, who was not a diplomatist to venture beyond his depth, now set himself to negotiating a treaty, which, abandoning the thought of a political connection between the two countries, should, notwithstanding, place Great Britain at least as advantageously with the United States as France, avert threatened war, and while yielding as little as possible, gain in return some concessions which recent events had shown were most desirable. By the latter part of November, Jay wrote to the President and to his personal friends that a treaty had been arranged which would at once be forwarded to America by packet.

For some unexplained reason the voyage was greatly delayed, so that the document did not arrive until four days after the close of Congress, its provisions having meanwhile been kept by Jay profoundly secret. Without even showing the paper to his cabinet advisers, except perhaps to Randolph, Washington convened the Senate in extra session and submitted the treaty for their consideration under an injunction of continued secrecy. 1795. June 8.

This treaty, which Grenville and John Jay had executed together, consisted of twenty-eight articles in all, the last of which related merely to ratification. The first ten articles were designed to be permanent; the others constituted in effect a commercial convention, having only a temporary continuance, or during the existing war between Great Britain and France and two years afterwards.

As to the permanent articles, peace and friendship were

[1] At this dinner Jay and Pinckney were present. The President of the United States was toasted with three cheers, prolonged to six. Almost every toast, particularly that of the navy,—"The wooden walls of Old England,"—bore a cordial reference to America. But when Jay was called upon, he responded with a neutral sentiment: "A safe and honorable peace to all the belligerent powers." This was coldly received by the company. 2 John Jay's Life.

declared established between Great Britain and the United States; the British posts were to be evacuated by June, 1796; free commercial and Indian intercourse on the American Continent was mutually promised, leaving the Mississippi River entirely open to both countries — a permanent concession on our part which might, under some contingencies, have proved very troublesome. On account of uncertainties which were assumed to prevail under the treaty of 1783, as touching the northern boundary of the United States, they were redefined, but not so clearly as to prevent a recurrence of the same disputes soon afterwards. The American government was to compensate Great Britain for the confiscated debts of the Revolution, so far as "lawful impediments since the peace" might have prevented their collection, and, on the other hand, Great Britain promised indemnity to American citizens for the unlawful captures recently made of American vessels. Finally, the United States should either give recompense or make restitution in respect of the Genet captures of 1793, by privateers fitted out in our ports; and on a principle of reciprocity so declared (though the practical advantages were obviously with England), it was agreed that alienage should not disqualify from holding lands in either country, and that in the event of war, debts should neither be sequestered nor confiscated.

Of all these permanent articles, that alone which gained a real advantage for this country was the important one relating to indemnifying, through a commission, the recent spoliations of American commerce. But, by way of offset, America, besides suffering the disadvantage in articles which professed to confer reciprocal rights, was bound to assume British Tory claims of more doubtful legality, not to speak of her own indemnity for captures. The promise to surrender Western posts, at a suspiciously late date, which this treaty procured, confirmed, at best, an existing obligation quite as amply guaranteed, but not fulfilled. No recompense was afforded to American citizens for the negroes carried off by the British commanders at the end of the Revolution, in violation of the treaty of 1783, a claim which

Jay, as an abolitionist, might well have regarded with little heartiness. Nothing, moreover, was here accomplished in restraint of impressment or the British right of search for her native-born, a great and growing grievance.

The temporary articles were even less favorable to the United States than the permanent ones. So desirable was it thought to procure an open trade for America with the British West Indies, that Jay's instructions had precluded him from signing any treaty of commerce that did not, at least, grant such a trade under qualifications. But Grenville was strenuous against yielding the right at all; and the only concession granted by Great Britain restricted the privilege of the West India trade to American vessels of 70 tons, landing their cargoes in United States ports; which privilege was further clogged with the inadmissible condition that the United States should carry no molasses, sugar, coffee, cocoa, or cotton to any part of the world, while British vessels besides, of any burden, might compete in our West India trade unrestrained.[1] Such a West Indian concession was good for nothing. As for the British East Indies, United States vessels might carry their products thence to American ports, but not so as to coast or settle there; a relaxation of British colonial policy which was, in truth, the only valuable privilege of the temporary sort accorded. The United States, in return for so paltry a favor, opened all the ports she controlled and surrendered her own commercial advantages in the existing war with scarce a qualification; permitting reciprocal trade between the European ports of Great Britain and our own, on the footing of the most friendly nation (a provision which cut away all further opportunity for applying to her the Madison rule of discriminating duties); forbidding all foreign enlistments, and treating citizens who should accept privateer commissions as pirates; surrendering all right of reprisal except upon demand and refusal; authorizing British ships of war to be received in our ports, and establishing prize

[1] Jay, not aware how important a staple export American cotton was becoming, here blundered.

regulations with England in abridgment of the advantages hitherto claimed by France, whose still existing treaty, though recognized in terms by the Jay convention, was hampered offensively and denied all further constructive extension. A modicum of justice was yielded by Grenville in respect of blockade seizures; but as to articles contraband, while vessel equipments were enumerated as such, Great Britain so inclined to extend her claim that the convention would not yield the American non-contraband doctrine as to corn, flour, and provisions, but only agreed to pay and not confiscate in case of their seizure. A mutual extradition of murderers and forgers was provided.

The utmost that Jay could procure in respect of the impressment, West India trade and other matters which this treaty either ignored or dealt stingily with, was the expression, in rather ambiguous language, that other terms, not specially embraced in this treaty, might be added from time to time hereafter; a totally barren suggestion, as it proved, for no further concession was procured from Great Britain to enlarge this arrangement.

No rational interpretation of such a treaty can leave a doubt in candid minds that the United States government, having plain grievances against King George, and plain opportunities for annoyance, yielded all the favors in her power to bestow, for the sake of getting these grievances redressed for the first time, and redressed only just far enough to obviate the necessity of immediate war. Jay, who represented the injured country, though honorable and patriotic, had always been a timid negotiator on America's behalf; and in this mission he was so painfully conscious that a dangerous contest of arms would follow his failure to make terms with the aggressor, that he most likely encouraged the less scrupulous statesman who treated with him, to turn the opportunity to England's best account, by obtaining all the commercial advantages for the European struggle she wished from us without undergoing the humiliation of asking for them, thus paring the claws of a neutral who had angrily threatened to use them, while pretending that the British lion was submitting to that operation. It

is probable that Jay could not have gained more for his country; but it is certain he might have surrendered less, and so given an equally pacific exit to his mission.

The Senate, in which body, as now convoked, the Federalists appear to have gained slightly, while the Republican minority was weaker by the loss of Monroe, concluded, after much secret debate, to ratify this treaty; a decision reached only by the bare two-thirds vote which the Constitution required, and so as to except wholly the blundering clause which related to the West India trade.[1] The Senate's idea appears to have been in ratifying the treaty, that, under an instrument which held out such hopes of future amendment, a further correspondence with the Pitt ministry might rectify an error over that clause seemingly mutual; but we had already conferred all our privileges, and this hope was futile. In fact it was many years after America had fought a new war with George III, before the gates of the British West Indies were opened to American vessels at all. June 8-24.

The secret of the Jay treaty had been profoundly kept by all admitted into it, even beyond the adjournment of the Senate. But outside curiosity was intense; nor could it be thought strange, so strong was the sense of injustice on our part, if a too sanguine public expectation framed an imaginary treaty, which yielded all the commercial rights America had asked for, and made ample reparation for every injury. Washington, impressed with the importance of preventing a war, which the rejection of this negotiation rendered likely, had apparently intended to ratify the treaty should the Senate so advise, but he was now embarrassed by this reservation of the West India clause, which raised some technical questions concerning the constitutional "advice and consent" required of that body. And a second perplexity had arisen, far more serious; for during the Senate session came intelligence from abroad that, profiting by the June.

[1] Besides the conclusive objection that our cotton exports would be shut off, that clause, by intercepting supplies to France, was likely to embroil us with that power; and still other objections occurred.

present scarcity of provisions in France, whither nearly all our last year's grain harvest was destined, the British ministry had renewed their former offensive order for seizing provision vessels, so that immediate ratification on his part might be interpreted into a virtual surrender of the American view held, not without strong support from international jurists, upon a delicate issue which the treaty itself had not assumed to decide. Incorrect and imperfect versions of the English negotiation had recently appeared in our newspapers; and just as Washington was on the point of allowing a publication of the authentic document, Bache's paper came out with a true copy of the treaty in full.[1]

The news swept the country like wildfire. Republished in all the other leading newspapers of the Union, the Jay treaty made a profound popular impression, mostly of disappointment and disfavor. A town meeting in Boston, which some of the most eminent merchants of the place attended, promptly denounced the treaty as unworthy of ratification, and agreed to memorialize the President to that effect. In New York a mass gathering was next called for a similar purpose, which Hamilton and his friends tried unwisely to capture in the opposite interest. Hamilton was stoned while speaking in aid of the treaty, and after his sympathizers had been compelled to withdraw, resolutions of opposition, under the lead of the Livingston family, were unanimously passed. Public meetings followed at Philadelphia and Charleston with the like object of remonstrance; McKean, Muhlenberg, and Dallas, taking a prominent part in the former, and John Rutledge and Gadsden in the latter. Most of these demonstrations had riotous accompaniments, such as burning the treaty before the British minister's house, trailing the British flag, and destroying Jay in effigy.

July.

Amid the general execration, Jay suffered the popular penalty, usual with American statesmen on such occasions, of having his motives foully traduced. At Philadelphia a

[1] Senator Mason, of Virginia, one of the ten who voted not to ratify, furnished this copy for publication.

transparency was borne in procession, with a figure of the Chief Justice in his long robe; his right hand held a balance, one scale of which, inscribed "American liberty and independence," kicked the beam, while "British gold" bore down the other. His left hand extended the treaty scroll towards a group of Senators. From his mouth proceeded the words, "Come up to my price, and I will sell you my country." This effigy was burned at Kensington.

Gray-haired sires of the Revolution were brought out in these public demonstrations as well as party Republicans; and French and Irish immigrants in addition, persons by no means disinterested in fanning this anti-Britain rage. Of the first-named personages, the venerable John Rutledge made himself strongly conspicuous at Charleston, by a violent harangue, in which he charged Jay with being either a fool or a knave. This was strange language, considering that Rutledge had just accepted from the President the appointment of Chief Justice as the successor to Jay; for the latter, chosen Governor of New York in his absence by a large majority,[1] reached his native shore again the last of May, to resign all Federal station. Doubts were raised of the sanity of Rutledge, and his injudicious speech eventually caused the Senate to refuse to confirm his appointment at the next regular session, a mortification which Rutledge did not long survive.

Randolph meantime was working very hard, though diplomatically, to defeat the treaty at this final stage of ratification, by strengthening all the President's scruples concerning the Senate's conditional approval, and by trying to induce him to withhold his signature until the British ministry should repeal the new provision order. Even Hamilton, to whom the President turned in confidence for an analysis and summary of the arguments upon the treaty, advised him, while signing, to instruct Pinckney not

July.

[1] Yates was his opponent, Clinton having declined to run again for the office. Of course Jay's election was in ignorance of the contents of this treaty; and vindicated the candidate who had been kept out by technicalities at the last choice, from his rightful office. See *supra*, p. 231.

to exchange the final ratifications while this state of things lasted. All the cabinet, as well as Hamilton, agreed that a remonstrance to Great Britain was proper; and this the Secretary of State was ordered to prepare, while Washington absented himself upon unexpected business at Mount Vernon.

Washington's sudden departure from Philadelphia left the course he would finally take in some doubt; nor indeed is it likely he had yet made up his mind upon ratification, while protests were coming in from all parts of the country against it. The strange delay of the Secretary of State in preparing the remonstrance as ordered and his baffling reserve, provoked his new colleagues Wolcott and Pickering, who, in the course of conferences with Hamilton, had come to believe, as they earnestly hoped, that the treaty would be speedily signed. Randolph's bearing indicated that the treaty would be dropped if France would only counterwork with sufficient vigor. The British faction grew nervous; public meetings called to tone up sentiment in favor of the treaty moved very feebly, and ratification was by no means a popular cause.

Wolcott, at this juncture, happening to dine on a Sunday with the British minister, at his country-house, Hammond placed in his hands an intercepted dispatch, No. 10, from the French minister in America, M. Fauchet, who had just been succeeded by Adet, and recalled to France. It affords fair proof of the uncertainties which now attended official transmission between America and the belligerent nations, as well as of the unscrupulousness of the contending powers, that this letter had been thrown overboard together with other papers from a French packet while pursued by a British man-of-war, and after being read by Grenville, transmitted to America for convenient use. This dispatch, which alluded to "precious confessions" of Secretary Randolph, and "overtures" apparently corrupt, spoke with evident contempt of his character in contrast with Monroe, Madison, and Jefferson, and referred pointedly to a former dispatch, No. 6, from Fauchet to his government for particulars of Randolph's conduct at or about the time of the

insurrection in Western Pennsylvania.[1] Wolcott showed the dispatch to his cabinet associates, Pickering and Bradford; and in pursuance of a clear official duty, with whatever alacrity performed towards an uncongenial associate, they urged Washington to return at once to Philadelphia.

Arriving, upon this mysterious summons, Washington was shown the intercepted French dispatch. He at once convened the cabinet, as though nothing special had occurred, and with the concurrence of all his advisers except Randolph, who was still for delay, decided upon an immediate ratification of the treaty, accompanied by a strong executive memorial against the provision order. Having disposed of this business, and dispatched the documents accordingly, the President next summoned Randolph for a personal interview, and in presence of both Wolcott and Pickering, who were already in the room, handed him the intercepted dispatch of Fauchet to read it, and make such explanations as he chose. Whether only humiliated at being thus confronted before witnesses, or conscious of guilt, Randolph showed himself quite disconcerted, and his rambling comments upon the dispatch impressed his hostile colleagues quite unfavorably. Washington asked him to step into an adjoining room to reflect by himself upon his response; after doing which Randolph concluded to submit his immediate resignation, while at the

Aug. 19.

Aug. 19.

[1] This dispatch of the French minister, dated October 31st, 1794, was devoted mainly to a tirade upon American politics, and what he conceived to be designs of Hamilton and his party, to which the President, himself an honest patriot, was blind. Fauchet, in a strain of disgust, proceeds: "Two or three days before the proclamation (warning the insurgents) was published, and of course before the cabinet had resolved on its measures, Mr. Randolph came to see me with an air of great eagerness, and made to me the overtures of which I have given an account in my No. 6. Thus with some thousands of dollars, the republic could have decided on civil war or on peace! Thus the consciences of the pretended patriots of America have already their prices! It is very true that the certainty of these conclusions, painful to be drawn, will forever exist in our archives." An earlier part of this dispatch speaks of Randolph's "precious confessions" as alone throwing "a satisfactory light upon everything which comes to pass."

in signing the treaty, and draw sympathy to himself as the victim of a British conspiracy which compassed the destruction of the Republican party and America's liberties. This acrid publication, the only one vouchsafing to explain suspicious private interviews not denied, with a foreign diplomatist, and which it was said vindicated Randolph's resignation better than his conduct, buried the author in political obscurity for the rest of his life. "His greatest enemies," was Madison's charitable epitaph, "will not easily persuade themselves that he was under a corrupt influence of France, and his best friends cannot save him from the self-condemnation of his political career."[1]

All of the first President's original advisers had now departed from office. Bradford, the Attorney-General, too, dying soon after Randolph's resignation, a decided reconstruction of the cabinet was found needful, and this at the inopportune season when the administration was pursuing a decidedly unpopular course in foreign affairs. Washington sought again, as formerly, to procure, irrespective of party, men of national character, who were calculated to impress Europe and their own countrymen by their talents and reputation; but the effort was in vain. Men of Republican politics were wholly averse. After offering the State

[1] Madison's Letters, January, 1796. It is highly probable that Randolph, who was notoriously impecunious, and known to have used injurious expedients for replenishing his purse (for which reason Jefferson says in his Anas, 1793, that he advised Washington against appointing him for his successor), made here an experiment upon Fauchet for raising private funds, and that he told a plausible story, either in the hope of imposing upon the French minister's credulity, or to invent a pretext, mutually convenient, for the barter to France of his own official influence. That the "four men" mentioned in dispatch No. 6, whether created by the imagination of Randolph, or of Fauchet, and whether statesmen or flour contractors, were men of straw, can hardly be doubted. Fauchet's language, and other circumstances, indicate that the experiment failed, and that bribe-money did not actually pass from a foreign minister to an American Secretary of State, an infamy to which we may hope this Government has never been committed. The secret archives of France, however, can best resolve this problem.

portfolio in succession to William Paterson of New Jersey, Thomas Johnson of Maryland, Charles C. Pinckney of South Carolina, and Patrick Henry, all of whom declined it, he conferred it at length upon Pickering, who had taken temporary charge of the office; supplying the latter's place in the War Department, after the refusal of Colonel Carrington of Virginia, and Colonel Howard of Maryland, by one who had previously sought in vain an humbler post, James McHenry, of Maryland. For Attorney-General, Charles Lee, a scion of the famous Virginia stock, was selected, John Marshall having declined a call. Wolcott remained at the Treasury. This was confessedly, as a whole, a cabinet of second-rate men, of persons who would work smoothly in routine, and subserve the President's policy like so many promoted clerks; but whose minds, moving hitherto in narrow channels, were unable to furnish those broad generalizations and original views which, to an executive of Washington's temperament at this time of life, were so essential; men who, moreover, had, none of them, great influence with the nation or large communities, estimable as were their private virtues. Washington came in consequence to depend more upon the fertile Hamilton for official inspiration; while he, in his turn, gained such an ascendency over these lesser minds as presently to make the cabinet seem almost his own, to the sure detriment of any future President who should attempt to convert them into official subordinates of his administration.

None of the new department heads were deficient in diligence, probity, or sobriety; but their faults were those of rigid and mediocre statesmen of the old school, who, unless ruled by a vigilant, steady, and patient chief executive (such as Washington still remained when beyond his prime, and while the torpor of old age had begun to affect a life of almost incessant activity), might lead an administration astray, — the shepherd, so to speak, away from the sheep. Lee, who held the least important of these posts, as concerned the public, and went the most evenly, was a man of respectable talents, who had never before filled high office. McHenry signed the Constitution as an obscure but faithful

Maryland delegate at Philadelphia in 1787, and in the war had been an aid-de-camp to Lafayette; but for the calibre of Secretary of War, Washington had to own he was a "Hobson's choice." Wolcott, whose rise furnished our strongest early instance of civil service promotion, could doubtless hold his own, so far as this involved the simple working out of Hamilton's financial ideas in the round of the treasury; as a public official he was neither of contemptible abilities nor corruptible; but as a general adviser he was more politic than bold, and in fact he proved under the next administration a man of feline methods, by no means praiseworthy in his political conduct, yet eminently capable of appearing so.

Pickering, however, whose strides had been the most rapid, was marked for the most permanent public honor, as well as the chief conspicuousness, of any man in this reconstructed cabinet; having, in fact, many of the best qualities of a first-rate statesman, such as courage of opinion, a Spartan simplicity, unimpeachable honesty,[1] energy, and tenacity of purpose. His fatal defects, however, were inflexibility and narrowness of compass. He had a democratic sobriety of dress and demeanor, together with a choleric dislike of democracy, to reconcile which must have involved him in logical inconsistencies, the effect partly of political inexperience, and partly of an unyielding Anglican temperament, not uncommon among the loftier descendants of the Puritans at that day, whom he faithfully represented. Uncompromising and fearless, whether as civilian or quartermaster, Pickering was a stern disciplinarian, vehement, rigorous, and under a quiet exterior strongly emulous of distinction. Spectacles aided his eyes, but the near-sightedness of his mental vision as a politician was beyond the aid of optical adjuncts. "Lank locks guiltless of pomatum," and a baldness undisguised by wig or powder,[2] set off the

[1] Pickering, while an Indian Commissioner, and a poor man, made up his accounts so as to omit each day that was not faithfully devoted to the public service. And he turned a clerk out of office, while Secretary of State, for accepting a gratuity of five dollars.

[2] See Mr. Henry C. Lodge's well-written and discriminating article on Timothy Pickering, in the Atlantic Monthly, June, 1878.

simplicity of a Roman face, marked by lines of decision and harshness, and rigid in composure. His figure, six feet high, gaunt and muscular in development, impressed Indian chiefs, with whom he was a good negotiator. Although at the first period of his present giddy elevation in public life overawed somewhat by Hamilton, of whose political school he was an earnest disciple, Pickering soon showed self-poise and a better endurance of obloquy. With a larger capacity for impressing his ideas upon others, and the tact for carrying his daring projects into successful execution, he would have been one of the commanding Americans of his age, as he certainly is historically one of the most interesting; but Pickering was as impracticable as he was ambitious, and, for an American, strangely exuberant in plans which eliminated public opinion and the popular wishes. Inclining to despotic rule so long as his friends and those of his own sect might be chosen the despots, he comes down to us rather as the embodiment of fogyism and prejudice, earnest as Don Quixote, and, except for his few years in the cabinet, harmless politically as Bunyan's Giant Pope. Soldier or statesman, he never flinched. No anvil was less malleable than this, upon which the hammer of public conviction fell in vain. He had, withal, as perhaps his best gift for keeping himself prominently in view, a tart and rasping style of writing at command, greatly enjoyed by the more malignant of his party friends, and of which he was not a little vain; employing his pen, however, as a combatant who wishes not so much to convince an antagonist as to floor him.[1]

Knowing his failings, Pickering's relatives felt anxious

[1] Pickering's want of the diplomatic touch appeared in several instances at this period. He drew up two drafts for the President's reply to the Boston memorial (of course not adopted), which informed the memorialists, in a pedantic and most discourteous tone, that this government is not a democracy, but a government by representation; and that "a numerous and promiscuous assembly of the people" is incapable of forming a deliberative judgment in matters like the present. Writing in October to Randolph, through his chief clerk, he made the unkind thrust that he "perfectly well knows that his resignation was occasioned solely by the evidence of his criminal conduct exhibited in Mr. Fauchet's letter."

over the transfer of one upon whose official salary depended a large family, from the War Secretaryship, for which he was so well qualified, to that government department which most of all required moderation, tact, and suavity of expression, and a ready adaptation in small things to the moods of others for the sake of carrying out great purposes with foreign and uncongenial potentates.[1]

During the fall of 1795 the opposition press in this political heat over the British treaty, bemired Washington more than ever before; charging him, inasmuch as he had ratified it, with political hypocrisy and kingly demeanor; and one who in Bache's *Aurora* styled himself "A Calm Observer," went so far in a foolish legal quibble over the technical quarterly division of the Presidential salary, as to hold him up as one who had overdrawn it, a public defaulter.[2] But after this first ebullition of ill-feeling over the British arrangement, the people gravitated towards Washington again, as they had always done before. Most of the State legislatures, on assembling in the winter, passed resolutions expressive of unshaken confidence in the President's integrity, and avowed for the most part an equal trust in his official discretion. But the legislature of Virginia, refusing to go to this latter length, commended the Senators of that State for their opposition to the treaty, and proposed among other new constitutional amendments, one which should require the consent of both houses of Congress to the ratification of all treaties. Samuel Adams, who had kept the executive chair of Massachusetts since Hancock's death, advised a similar amendment in his opening address to the Massachusetts legislature; but the replies of that body were not responsive.

[1] Pickering's Life. As Mr. Lodge shows, this family biography softens down the hero so much in his personal and political controversies as to do both reader and subject great injustice.

[2] This absurd charge was promptly confuted by Wolcott first, and next by Hamilton. It was commonly asserted in contemporary newspapers, that Randolph wrote or instigated this attack; of which assertion Randolph, in his evasive way, made only an equivocal denial, where it was proper for one either to have denied plainly or preserved a dignified silence.

It became presently evident that the Republicans in the popular branch of Congress, complying with Jefferson's advice, and the tenor of petitions largely circulated amongst the people, would go one step further, and make a final effort to defeat the Jay treaty, by withholding the appropriations needful for carrying its arrangements into effect.

The fourth Congress having convened in the midst of these preparations, the new Senate gallery and a hall thrown open at last to the public revealed a body of men disposed, by more than a mere majority, to support openly what they had secretly commended in special session. But the House was of quite another complexion, though the Republicans failed at the outset to re-elect Muhlenberg speaker, and the more available and plausible Dayton, whose anti-British vehemence in the previous Congress procured him support outside of his own party, gained the honor. Beckley, the former clerk, was re-elected. There were some notable accessions to Congress in this branch: Joseph B. Varnum, of Massachusetts; Roger Griswold, of Connecticut, a stalwart Federalist; Robert G. Harper, of South Carolina, a fine debater, but fickle in his political opinions; Edward Livingston, of New York, an able member of his influential family on the opposition side; and greatest of all, Albert Gallatin, who stood firmly on his feet from the moment he entered the House, and at this first session, showed himself a party champion on the floor, not inferior to Madison. The House confirming its predecessor's course in respect of curtailing treasury influence, by establishing a standing Committee of Ways and Means, Gallatin, from his special mastery of finance, proved himself its most valuable member.

1795. Dec. 7.

The early proceedings of this session were not interesting. A preliminary skirmishing over the President's message developed in the House a strong dissatisfaction with Jay's treaty; and in fact, upon a debate, words expressive of the usual decided approbation of the sentiments contained in the President's message, were omitted on this occasion from the House answer, after an effort had failed to dispense

altogether with the obsequious practice of sending a formal response.

The presentation of a French flag to the President on New Year's day by Minister Adet, on behalf of the Committee of Safety in France, afforded that diplomate an opportunity of paying a glowing tribute to the republic which, struggling for the liberties of the human race, had sought to draw closer the ties that bound her to America. Washington received the silk Tricolor with a becoming acknowledgment; and sending it afterwards for exhibition to Congress, drew forth an expression of legislative sympathy, dictated by republican zeal, in which the Federalists of both Houses concurred, as in duty bound, but with suppressed ill-humor. The President ordered the French colors to be deposited with the archives of the nation.

1796.

Besides the treaty which Wayne had negotiated with the Northwestern Indians, Washington was enabled at this session to submit two new foreign treaties to the Senate, recently concluded with Algiers[1] and Spain[2] respectively. The Algiers treaty yielded tribute after the European fashion as the consideration of an unmolested commerce. This peace, with the ransom paid for the release of our captives and sundry presents, cost $1,000,000, besides a promised annuity to the Dey of $60,000; and indeed, as subsequent events proved, the Algerine chief showed such impatience over the delay in ratifying the treaty and fetching him the ransom-money, that our representative had to soothe him with the promise of a frigate worth $100,000 besides, instead of the contents of its broadside, as his haughty petulance deserved. In pleasing contrast, both with this sanctioned extortion and the British arrangement, was the treaty which Thomas Pinckney had procured at Madrid, having been sent thither from London quite seasonably. That treaty established as boundaries of the United States East and West Florida on the south, and, above latitude 31°, the middle of the Mississippi River. Illegal

[1] Dated September 5th, 1795. [2] Dated October 27th, 1795.

captures made by Spain during her late war with France were here compensated, favorable rules were prescribed for neutral commerce, and Indian aggressions on either side, together with the arming of privateers, discountenanced. But the chief diplomatic exploit of Pinckney was in gaining Spain's recognition of the right, so strenuously asserted by the United States, to freely navigate the Mississippi River; to which was added a three years' privilege of deposit at the port of New Orleans, free of duty. The Spanish treaty was highly acceptable to the country, and all three, with Algiers, Spain, and the Northwestern Indians, were, as compacts of peace, confirmed by the Senate.

The winter having passed in comparative quiet, the struggle came at length in the House over an appropriation for the Jay treaty, for which both sides had been preparing. The treaty, with its suspended article, had come back from Great Britain fully ratified (the new and obnoxious provision order having been repealed), and the President thereupon proclaimed it the law of the land, communicating this action to the House accordingly. Livingston at once offered a resolution requesting the President to lay before the House his instructions to Jay, and the correspondence and other documents relating to the negotiation of this treaty. March 2.

Upon this resolution ensued the first of the two great debates in the House upon the British treaty; debates which were ably conducted on both sides, and, with perhaps the exception of that more hurried discussion of Hamilton's national bank in 1791, constituting the first grand controversy in Congress over fundamental doctrines under the present system. March 7–24.

The merits and demerits of the Jay treaty were here postponed to the preliminary inquiry whether the House could rightfully participate in giving treaties their full effect. Against such a right it was contended that the treaty-making power was expressly vested in the President, with the concurrence of two-thirds of the Senate, as a peculiar government function to be exercised in a peculiar manner. Moreover, treaties made under the authority of the United

States were by the Constitution pronounced "the supreme law of the land," as co-equal with legislative acts, and quite independent of them. Unless the treaty-making power were thus broadly conferred, it would be nugatory; often inadequate for treaties of peace, and always for those of alliance and commerce. Such were the views ably presented by Smith, Harper, Murray, Tracy, and others on the Federal side.

On the other hand, Gallatin, Madison, Livingston, and Giles, with their political allies, relied upon the fundamental structure of our Federal government, whereby all legislative functions, including the right to borrow and appropriate money and to regulate commerce, are vested in a Congress composed of two houses; and they claimed that unless this House, a co-ordinate branch of Congress, had some discretionary right in the premises, wherever, at all events, some act of legislation was essential to a fulfilment, the people did not rule in the government through their immediate representatives. If treaties are the supreme law of the land, so likewise are the Constitution and pursuant acts of Congress. This was a popular argument upon the very strongest state of facts; for it was undeniable that the Jay treaty circumvented the known declaration and will of a House, the predecessor of this one, in certain provisions recommended, by Hamilton at least, and inserted with that express design in view, of making laws by the more convenient combination of President and Senate instead of President and Congress. And although in this first instance of a foreign treaty arrangement since the adoption of the Constitution national precedents were wanting, these speakers showed that by the practice of the British Parliament treaties already fully negotiated had fallen to the ground the moment the House of Commons refused an assent which that branch felt competent to give.[1]

Livingston's resolution was carried by 62 to 37, the call

[1] See 5 Parl. Deb., 43; Barrier treaty and Utrecht treaty of 1713–14. The best constitutional speech on the Republican side was Gallatin's, which Jefferson thought worthy of insertion at the end of the Federalist.

for papers turning essentially upon the point that the present treaty professed to operate on subjects specially delegated by the Constitution to legislative discretion; though, in view of a possible impeachment of executive officers, it was considered that the House might likewise have claimed on that ground the right to make it. In any sense the House would naturally incline to uphold its own authority. Anticipating this vote the President, after consulting his Cabinet and Hamilton,[1] had determined to resist the legal claim of the House upon which the call was based. About the expediency of a refusal on his part he was more doubtful, for, unless it were that the official correspondence betrayed on Randolph's part too little spirit, firmness, and point, there was nothing in the documents accompanying this negotiation which could possibly injure the Executive by their revelation. But, braced by a unanimous cabinet, Washington made his refusal explicit and absolute. He observed that since no impeachment purpose was disclosed in the call, he was not bound to consider that cause of disclosure as here involved. He denied that the assent of the House of Representatives could be essential to the constitutional validity of a treaty, making reference here to a vote taken in the Federal Convention of 1787, of which he personally had been cognizant, pointing to such a conclusion; and he referred the House finally to the language of the treaty itself for ascertaining sufficiently whatever objects might require legislative provision. To this the House rejoined by resolutions affirming its own view of the constitutional right of the case.[2] March 30. April 6.

Thus the issue rested until a motion on the Federal side

[1] 6 J. C. Hamilton's Republic; Hamilton's Works.

[2] These resolutions passed by 57 to 35. The President's allusion to the Federal Convention, which Hamilton — whose own carefully worded draft was ignored, while the President and Cabinet prepared a reply together — thought injudicious here, elicited a reply from Madison. "The sense of that body," Madison observed, "can never be regarded as the oracular guide in expounding the Constitution;" and, besides, the rejection of that casual proposal for requiring the consent of the House to treaties was, in fact, a mere abstract vote, deciding nothing *pro* or *con*.

for an appropriation to execute the treaty was in order. The Federalists first sought to tack all the treaties together in order to aid their cause, but this attempt was frustrated, and the House advanced the appropriation measures for the Indian, Spanish, and Algiers treaties alone, under a consistent reservation of its legal rights. The question then came squarely upon appropriating certain moneys to execute the British treaty, agreeably to a motion of Hillhouse on behalf of those desiring it. The anti-treaty men privately agreed to vote this appropriation down, a decision which produced among the friends of the treaty the greatest consternation. Hamilton had proposed, however, this plan for seizing and carrying public opinion boldly along: the President to make public protest; the Senate to hold fast, consent to no adjournment, and refuse other legislation in which the House was interested; merchants and citizens to be stirred up to petition. Except for the President's part, which no one could vouch for, this was the programme as substantially carried out by the Federalists.

April.

In this second debate, which went to the merits of the present treaty and the general expediency of an appropriation, Madison led in the van of the opposition. His speech arraigned the British treaty in these three leading particulars: (1.) Want of reciprocity with reference to the peace of 1783; since Great Britain gains principal and interest of British debts, while the United States gets no compensation for carrying off negroes or detaining the posts, and Great Britain hampers the surrender of the latter by keeping her Indian influence on the continent still open. (2.) Want of reciprocity in the neutral and international rules; since we yield sequestration of debts and that principle of "free ships, free goods," so desirable to neutral commerce, which all our other treaties have recognized, while the contraband clauses operate further to our decided disadvantage. (3.) Want of reciprocity in commercial aspects; for we give to Great Britain liberal rights in the Mississippi and Indian trade, but receive nothing in that of the British West Indies, which had been so much desired; and even the East India trade is of doubtful advantage, for

April 15–29.

we might have enjoyed it as well without the treaty. Nicholas, Giles, Page, Swanwick, Findley, and others followed with like objections, arguing further the injustice done to France, and the possibility of an immense award of the British debts, while, perhaps, American spoliations would fail altogether.

The friends of the treaty on their part defended its provisions to the utmost. The fear that American spoliation claims would fail before a commission was derided, and the recognition of such claims pronounced, as indeed it was, a most valuable provision. Goodhue, from the Salem district, gave assurance that the clause concerning the East India trade was of positive benefit to the mercantile community; members from the New York frontiers asserted upon their personal knowledge that the Indian traffic, after the actual surrender of the Western posts, would fall essentially into American hands; and Hillhouse scouted the idea that this government should be restrained from obtaining advantages from one foreign nation for the sake of pleasing another. But the dreaded consequences of rejection under the present circumstances — a rupture with Great Britain, war, and a dissolution of the Union — furnished the weightiest weapon to the treaty defenders.

The Federalists had prolonged this second debate in order that the mercantile community might make its influence felt upon the wavering brethren. The excitement outside Congress had indeed become intense; town meetings were held in the commercial States to sustain Washington and his policy; petitions came in daily to the House praying that the treaty be carried into speedy execution. Commerce was temporarily suspended. While the appropriation under discussion was so trifling that those directly interested in sustaining the treaty might have made up a purse to supply it, the spectacle of constant unrest and unsettlement, of a government divided against itself, President and Senate on one side and the House on the other, was so appalling that the people of the Eastern and Middle States, fearing a foreign and civil war together should this state of turmoil longer continue, now besought their representatives to pursue

no farther a principle of constitutional reversal, which had already been strongly enough asserted, rightly or wrongly, for a first occasion.

While the fate of this nation to so many hung apparently by the same thread with the treaty, Ames rose to his feet to deliver the most eloquent speech ever heard in Congress by his generation. Failing health had kept one of the most experienced debaters of the House from mingling hitherto in the discussion; a misfortune which was felt all the more keenly as Tracy, who had been put forward to respond to the calm and reassuring speeches of Gallatin, showed too much asperity to make a strong counter-impression, and marred the effect of his argument by ill-natured flings at Gallatin's foreign nativity. Ames, against his physician's advice, determined to speak, and the galleries filled to hear him. He arose pale and feeble, hardly able to stand, but soon warmed with the subject and the opportunity. Touching with delicacy upon French excesses and the first commotion which the treaty had excited, the movements of passion, which are quicker than those of the understanding, deprecating all foreign partisanship, and making no attempt to vaunt unduly the merits of the treaty as other Federalists had done, he pressed home with earnestness and force the strongest points in favor of passing the present appropriation. These points were, the inconsistency of letting negotiation operate a full treaty ratified in every particular, and then claiming the right to defeat its execution afterwards; the wound to the public honor of this nation should the public faith be violated; the certainty of both foreign war and anarchy, as he viewed it, if the proposed treaty should fail in this manner. It was in depicting the horrors which, to his mind, depressed under the influence of a deep-seated malady, were sure to follow so dangerous a course, that Ames's eloquence took its loftiest flight, moving his hearers to tears. He pictured the new frontier war which would be provoked by Britain's continued retention of the posts — the blaze of the log-houses, the war-whoop of the Indians, the bound victims, all the terrors of 1794 repeated. Beckoning to his hearers like the spectre of some disembodied hero

who awaits the cock-crow before returning to the shades of an invisible world, Ames held his long familiar associates spell-bound by a vivid imagery of these dreadful scenes and a pathos of expression worthy of Jonathan Edwards. "Even the minutes I have spent in expostulation," were his closing solemn words, "have their value, because they protract the crisis and the short period in which alone we may resolve to escape it. Yet I have, perhaps, as little personal interest in the event as any one here. There is, I believe, no member who will not think his chance to be a witness of the consequences greater than mine. If, however, the vote should pass to reject, and a spirit should rise, as it will, with the public disorders to make confusion worse confounded, even I, slender and almost broken as my hold on life is, may outlive the government and Constitution of my country."[1]

This speech, whose pathetic utterances were wrung from a suffering heart, carried the day, not without compassion for the sufferer, for it was blind Milton reciting *Paradise Lost*. There was scarcely a dry eye in the House. Judge Iredell and the Vice-President sat sobbing in the gallery together, and ejaculating: "My God! how great he is!" "Noble!" An adjournment was carried; but Ames's speech remained unanswered, its impression lasted, and the vote taken the next day stood 49 to 49 on the question of appropriation. Dayton had come over, and others of the hesitant. Even Muhlenberg, chairman of the Committee of the Whole, in which this discussion took place, now gave his casting vote in favor of the appropriation, and the resolution on its final passage was carried through the House by 51 to 48. There were only four votes cast against it from New England, and only four in favor of it from the South, but the members from the Middle States had decided the contest by yielding to eloquence and an immense external pressure from their constituencies. April 29.

[1] Ames's later correspondence shows how rapidly he was now settling into a political melancholy, with constant visions of the second death. A few days before delivering this speech he wrote: "Here we dance upon the edge of the pit, crying *Ça ira;* it is but a little way to the bottom." Fisher Ames's Works.

Congress adjourned June 1st, admitting Tennessee into the Union by a bill which passed upon conference the last day of the session; the inhabitants of the Territory having already adopted a State constitution and claiming the requisite population for becoming a State under their territorial act.[1] In view, too, of the peaceful situation at the Northwest, a public land law was passed, with the crude design of affording a revenue from the sale of large government tracts in sections of 640 acres, part of this purchase-money to be deferred on security of the land.[2] Trade with the Indians was regulated so as to protect their tribes from hostile encroachments.[3] As government was becoming straitened in finances, a new carriage tax was laid; but Congress decided, notwithstanding the Algiers treaty, to continue building the frigates which were originally designed for the Mediterranean.

The impressment troubles still continuing, an act of this session authorized American agents abroad to investigate reported cases, and provided, by way of credentials, that our seamen should be supplied with certificates of citizenship and identity. Except for preserving evidence of impressments, however, this act did little good; for sailors would lose their certificates in various ways, while Great Britain still insisted that no foreign naturalization could protect one who was born a Briton. The international difficulty here was a practical one; Americans and English could not well be distinguished apart by the usual signs of language and personal appearance. Americans themselves, for the most part, had been born in British allegiance, and simply conquered an exemption from the British rule which forbade expatriation; hence, in the absence of a mutual convention on the subject, and some relaxation of the British policy, this detestable right of search, which no other nation claimed, was continually tolerated by the United States simply because resistance on the part of our citizens was unavailing. A British naval officer would board one of our

[1] Act June 1st, 1796. [2] Act May 18th, 1796.
[3] Act May 19th, 1796.

vessels, order the crew paraded on deck, seize and carry off whatever men he chose to say were British subjects, and press them into his service, leaving our government to remonstrate at leisure, and too often in vain. For months Washington had complained indignantly of these and other domineering acts of Great Britain at this delicate crisis of the treaty; of vexatious captures by the Bermuda privateers; of insults and menaces by British captains in American ports; of Canada irritations; of the habit which had grown in England of sending obnoxious refugees over, as if to insult us.[1]

The sour Hammond, an utterly unsympathetic ambassador, having returned home, Bond, the British *chargé*, intimated at the critical moment while the House discussion was in progress, that, unless the treaty appropriation passed, the Western posts would not be surrendered at all; and, as if the British Cabinet were seeking some new pretext for evading the stipulation upon which American pride was most sensitive, he pointed out a clause in Wayne's treaty as one which to his government seemed to conflict with the right Jay had assented to, of mutual free trade with the Indians. This last stricture was too much for the patience of Hamilton,[2] who had hitherto, from patriotic or professional motives, advocated the interests of Great Britain.[3] The appropriation for the execution of the Jay treaty having at length passed Congress, and the President appearing to be in no mood for trifling, Bond and Secretary Pickering, as special

[1] Washington's Writings, August–December, 1795.

[2] "The British ministry," he writes, "are as great fools, or as great rascals, as our Jacobins, else our commerce would not continue to be distressed as it is by their cruisers; nor would the Executive be embarrassed, as it now is, by the new proposition." Hamilton's Works, April 20th, 1796.

[3] In Camillus and other press publications Hamilton defended the British treaty and impressment more unreservedly than in private. As he was now dependent upon his professional income it would not be singular if in this and some other measures of the day his course was influenced by his relations to clients. Of this there are decided indications as regards the National Bank and Bank of New York this year. See Hamilton's Works, 1796.

diplomatic representatives of the two nations, hastily executed in Philadelphia an explanatory article concerning the Indian treaty; but without waiting for ratifications to be exchanged, Washington marched troops to the frontiers, and the Western posts were surrendered. After this important initiation of treaty terms on Great Britain's part, to otherwise execute the compact followed as of course; but additional articles on behalf of the United States could never be procured. And of the temporary misunderstanding which arose later concerning the British claims we shall speak hereafter.

May 4.

June.

But while the British horizon was brightening, that of France had perceptibly darkened. This, a natural consequence of the new diplomatic eclipse France had suffered, was increased by the unfortunate course of Monroe's mission in that country.

The President's fondness for balancing civilians of opposite views must have led him into an error of judgment in the present appointment. Monroe, though certainly pure and honorable, was too emotional and frank a person at his age, too indiscreet, to make a successful diplomatist on so delicate an occasion. Anti-Jay, Gallican in his sympathies, nor as shrewd as he was sanguine of temperament, any one but a Washington would have been thought to use him on this mission for the special purpose of stroking down the French fox in a critical emergency while Britain was filching its brush; or perhaps so as to disgrace an opposition leader by employing him on a service where he would be sure to make an ignominious failure. Circumstances, quite unforeseen and unfortunate, however, combined to place Monroe in his strangely unwelcome position; while the President had of course intended this mission to redound to the honor of the nation and of Monroe himself. Jay about the same time had started, it must be remembered, on a very uncertain embassy, as though to give England her choice between peace and open war, an embassy whose unfavorable turn must inevitably have caused our administration to lean strongly

upon the French Republic.[1] There should, therefore, have been first of all, concert, confidence, and a good understanding throughout, between our two ministers; but as a first misfortune, there was precisely the reverse. Next, our Secretary of State ought to have kept a steady and vigilant direction of the whole affair; but in this again he was remiss. During the long lapse of instructions and positive information as to whither America tended, and in the midst of cabinet changes, Monroe had to interpret his duty by his choice; and his choice, like that of all other indiscreet partisans, in this European war, was by his inclination, which favored France. The delays and uncertainties of communication between Philadelphia and Paris, now that the ocean was scoured by belligerent vessels, provoked further misunderstanding. Monroe's own susceptibility to transient emotions and his self-justifying disposition were obstacles, finally, to the pursuance of that warily sympathetic policy expected of him, which, even with the most explicit instructions, it would have been almost impossible, considering what transpired across the Channel, for the best-trained diplomatist to pursue successfully.

Monroe reached Paris August 2d, shortly after the fall of the tyrant Robespierre and his faction.[2] After a slight

[1] Randolph's instructions to Monroe (June 10th, 1794) committed the President as a decided friend to the French Revolution (with a reservation over certain transactions), and as one who believed in its eventual success. Recalling France's recent acquiescence in our neutrality, it intimated such a course consistently hereafter, and expressly authorized Monroe to disarm all prejudice of Jay's mission, by giving assurance that Jay was positively forbidden to weaken our engagements with France, and that the motive of that mission was "to obtain immediate compensation for our plundered property, and restitution of the posts." "You will let it be seen," Randolph further says, "that in case of war with any nation on earth, we shall consider France as our first and natural ally. You may dwell upon the sense which we entertain of past services, and for the more recent interposition on our behalf with the Dey of Algiers." A caution that our confidence in the French Republic be "without betraying the most remote mark of undue complaisance," served as the only restriction of consequence upon Monroe's behavior.

[2] Robespierre's death was hailed with delight by his countrymen,

delay, which the new confusion in public affairs should have amply justified, though perhaps a distrust of Jay's mission operated also, Monroe was received by the National Convention of France in full session on the 15th. This was the first time of accrediting a minister to the French Republic. Thus on his country's behalf publicly honored, and anxious to remove all unjust suspicions, Monroe delivered with his letters of credence, a speech prepared for the occasion, quite highly wrought up, in which he drew a parallel between France and America, our revolution and the present, and urged that "republics should approach to each other." A translation of this discourse into French was read by a secretary, and the Convention loudly applauded its sentiments. The president of the Convention, Merlin de Douai, now poured himself out in a response, which more than hinted that a fraternity, closer than any merely diplomatic alliance, ought to unite the two peoples against "an impious coalition of tyrants." To this succeeded the accolade or national embrace, which Merlin gave Monroe with all the unction called for. The Assembly, after this spectacle was over, decreed that Monroe be recognized, that the flags of the United States and France be displayed together in the hall of the Convention, and that the speeches of Monroe and Merlin be printed in French and American.[1]

1794. Aug. 9. Aug. 15.

Pursuant to the decree, Monroe soon afterwards sent an American flag by the hand of Joshua Barney, who, in the name of the American people, tendered it with some ardent remarks; whereupon the fraternal embrace was voted in his favor, and bestowed with proper fervency. Barney, declining a captaincy in the American navy, presently accepted a French commission; and it was as an exchange of these international courtesies, that the French flag

October.

and among the various epitaphs devised by the wits of Paris, the following circulated largely:

"Honnête citoyen, ne pleure-moi fort,
Si je vivais, tu serais mort."

[1] See 4 Hildreth; Monroe's View; U. S. Dipl. Corr., 1876, p. 129.

was afterwards sent to the United States, whose presentation to Washington has already been described.

This theatrical spectacle, with its accolade, and the resolution for blending the national colors, which, as we may well presume, was prearranged by the Convention so as to obstruct Jay's mission, annoyed Washington when he learned the particulars. He had reasonably expected that Monroe's credentials would be tendered and accepted with no special demonstrations. The progress of Jay's negotiations, too, had by this time, dispelling his first misgivings, fixed him in the purpose of keeping French relations to the neutral bearing. Monroe had unwisely contributed to the warmth of the official occasion, by parading resolutions of sympathy for France, which our Congress passed and the Executive transmitted, so as to heighten the impression of an international alliance. He was now informed, in terms implying a mild official censure, that demonstrations less conspicuous had been looked for; that his instructions did not justify the extreme glow of some parts of his address; that the documents accompanying the Congressional resolutions ought to have been placed in no other light, so far as the President was concerned, than the execution of a task which Congress imposed upon him specially; and that, avoiding cause of offence both with England and Spain, where important negotiations were on foot, he ought to cultivate the friendship of France with zeal, indeed, henceforth, but without unnecessary *éclat*.

Long before receiving this communication from Philadelphia Monroe had applied himself to the prescribed duties of his mission, which sought from the Committee of Safety reparation for the spoliations of French cruisers upon our commerce, besides a repeal of some obnoxious decrees. These American complaints were founded largely on the Bordeaux embargo, under which numerous vessels had been detained at France over a year; also upon the furnishing of supplies to France and St. Domingo, and the seizure of provision ships bound to England, where payments had been promised by the French government. Little dispute had here arisen; but French dilatoriness, and the dishonor of plain en-

gagements, was the standing offence to America, aggravated by embarrassments inseparable from ferocious war and a rule of madness. There were other claims founded upon infractions of the French treaty as to the seizure of enemy's goods in American vessels; but these Monroe presented on his own responsibility with remarkable complaisance, appealing to a sense of interest rather than of obligation; a course which he sought to justify to his own government by the silence of his instructions, and the fear lest France might ask in return that the treaty guarantee of her West India possessions be fulfilled on our part.

A diplomatic parley ensued, in the course of which a loan of $5,000,000 was asked by France of the United States; a request which Monroe referred to his government in a zealous letter. At length the French government did away with all existing embarrassments to American commerce, so far as a repeal of decrees could effect this, and the transmission of orders for settlement; though in truth, as this untimely application for a foreign loan might have indicated, the French government was too much distressed for money in the prosecution of a costly war to render it likely that the American claims would be speedily adjusted. All that Monroe asked for was yielded in form willingly, except the allowance that American vessels should protect an enemy's goods. The French government entertained, all the while, strong suspicions that negotiations unfriendly to its influence in America were in progress between Jay and Grenville; but Monroe's conduct was proof convincing that he, at least, played intentionally no double part, while the news from Fauchet besides must have assured the Convention that it was wise policy to cultivate a good understanding with the United States. November.

To Monroe's obvious misapprehension of the secret arrangements in progress across the Channel, and of the limitations of his own functions, Randolph, the Secretary of State, certainly contributed by his loose and vacillating conduct. The criticism of Monroe's *début* as a minister was accompanied by another, prepared under the scrutiny of Washington's cold eye, in December, which further dis-

approved his easy condonation of the seizures of enemy's goods France had made in disregard of her treaty obligations to the United States, harshly as they might seem to bind her in her present war with England. And yet the only letter Monroe had as yet received from the Secretary of State or administration was written September 25th, in a far different strain, and so as to convey the idea that the Jay mission would probably fail, while that at Spain was at a standstill; which letter, moreover, reiterated Monroe's original instructions.

By early January, 1795, even the "free ships, free goods" admission had been made by the French government as the United States desired, and it seemed to Monroe as though he had accomplished all the prime objects of his official instructions; for he had been directed by the President to make no new treaty with France without explicit orders, and as to a revised treaty of commerce, to say that Fauchet had never proposed one. While the administration from Philadelphia expressed pleasure at learning that Monroe was pressing our claims, it became silent and inattentive when those decrees were actually repealed and France showed a decided disposition to assist us. Of this the true reasons were probably (though Monroe chafed in ignorance of the cause) our President's knowledge that Jay had negotiated some kind of a convention, the unexpected delay in receiving that important document, and, finally, the doubt Washington entertained over the ultimate fate of this disappointing treaty during the many weeks which elapsed while he kept its contents a profound secret. 1795.

Monroe's instructions certainly conveyed the idea, though indirectly expressed, that Jay was not empowered to make any commercial treaty with Great Britain, but only to arrange grievances; and finding the French government otherwise impressed by its own secret information, Monroe had warmly supported this view by showing, quite undiplomatically, extracts from his own dispatches. Informed, at length, by the French administration, with much suspicion, that only a copy of the Jay treaty would satisfy France that

he spoke correctly, he sent to Jay for one. This Jay quite properly refused for such a purpose; though he soon intimated a willingness to communicate its contents orally in confidence to Monroe, and finally disclosed by his messenger a slight and imperfect sketch of its provisions to be used as Monroe desired.

So constant was the danger from British cruisers, in this war, that the transmission of dispatches between Paris and Philadelphia had now become very irregular. Monroe did not until February, 1795, receive the official disapproval of the manner of his original reception, and his language over violated articles in the treaty. Early in June, Paris, much distressed for food supplies, received accounts that the British government had revived its order for seizing provision vessels, and there came in the midst of this panic, about the middle of August, American newspapers which revealed the Jay treaty in full. Utterly disgusted with what appeared so much like treachery towards an ancient ally and benefactor, France confided no longer in the friendly expressions of the United States; and yet at the same time, observing the popular opposition in America, refrained for a time from ungentle remonstrance.

To Adet, the new French minister at Philadelphia, a copy of the British treaty had been communicated by our government, soon after the Senate's favorable action. Adet complained of the seizure of an enemy's goods in American vessels, and of the contraband clauses under that treaty, as tending peculiarly to favor England as a belligerent above France; he claimed, also, that the hospitality therein stipulated for British ships of war was inconsistent with earlier restrictions which our French treaties had placed upon the enemies of France. Randolph in reply defended the construction the American government had put upon the French treaty, our candor, and the general right which every neutral nation enjoys to make commercial arrangements with one belligerent without consulting the wishes of another. Monroe was now instructed to pursue a similar line of argument at Paris, and make the treaty as palatable to France as possible. But Monroe was of too open and sincere a

nature, and besides entered too deeply into the French sense of the business to play the new *rôle* acceptably; having contributed so unwittingly by his own misconceptions of Jay's negotiations to delude that government. Believing, as he did, that he had been used to carry on a blind with France while a sharp game to overreach that republic was playing across the Channel; and resenting the thought that Jay should have been empowered without his knowledge to form a commercial treaty with Great Britain in the midst of war, and at a time when no such advance was made to France by the United States, and her own advances in that direction to anticipate such a contingency were received with indifference; he sulked in the fulfilment of his new instructions, as though willing to risk his diplomatic office upon the possible failure of the Jay treaty, and otherwise leaving Washington to recall him, if he chose, in displeasure. Randolph's hesitancy encouraged such a course, and as Jay's personal correspondence had been with the Eastern set exclusively, so Monroe's was with the Virginian; whence the sanguine belief on his part, as it seems, that the House would yet annul the treaty, even were it ratified by the President.

Monroe's disobedience to orders at this point is indefensible. His only true course was to resign; but he afterwards contended that by thus remaining he not only stood in a position to vindicate his own motives better (a view of the public situation which he always kept prominent), but was actually of material service in preventing France from hastening to harsh extremities. The policy of granting an American loan in order to procure the aid of the French army and navy for pressing our claims against England, Monroe still commended in writing, not certain that it might not be granted after all.

In October the French Convention closed its labors by transmitting executive authority to the famous Directory. Fauchet had just returned home from the United States, burning with rage over the Randolph exposure, the President's determination to ratify the Jay treaty, and the affronts he had received from British vessels, hovering

about the American coast, in obstructing his departure and searching his baggage, despite his diplomatic character. About December 1st Monroe received a long letter from Pickering, Randolph's new successor, which formally announced that the President had ratified the English treaty, and deliberately stated the points upon which an official justification to France was to be made. Instead of using the arguments of this letter as expected, by way of mollifying at once the nation to whose court he was accredited, Monroe kept the dispatch to himself until the middle of the following February, when, learning accidentally that the Directory was on the point of sending out an extraordinary envoy to America to remonstrate and force a crisis, he set about his task, and so caused the plan to be abandoned. Chiefly for Monroe's remissness in this respect, though, doubtless, from a due consideration of the unsatisfactory tenor of his whole official conduct, Pickering, soon after the treaty appropriation question had been disposed of in the House, wrote to express the President's high dissatisfaction with Monroe's course; and in December, 1796, Charles C. Pinckney arrived at Paris, bearing dispatches which announced Monroe's recall and his own appointment as minister to France in his place.

But the French Directory had meantime withheld their own expression of profound dissatisfaction with the course of the American administration only long enough to ascertain whether that same treaty appropriation would pass or not. The British treaty having gone into full operation, and further diplomatic remonstrance being useless, Adet was recalled, or rather suspended, in August, no successor to the American government replacing him; and French official gazettes intimated presently, in threatening language, that the Directory were determined to act towards the commerce of neutral powers in the same manner as neutral powers permitted others to act towards them.[1] Adet's official career in this country was not, however, permitted

[1] As to Monroe's mission and recall see U. S. Dipl. Corr.; 4 Hildreth. See also Monroe's published Defence of his conduct.

to terminate without some rhetorical efforts on his part to influence the public sentiment against Washington's foreign policy. It certainly seemed hard that British supplies and articles contraband, *per se*, for prosecuting the conquest of the French St. Domingo should be passing at this time from America in the expectation that they would go safely under the neutral rule to which France but not Great Britain was bound by treaty with us; and that the sale of French prizes in American ports, hitherto permitted, was now forbidden, as though the British treaty had converted the administration to a new construction of its French obligations. Adet, having vainly sought redress from our government on these and similar points, began publishing his dispatches in Bache's *Aurora* at the same time he transmitted them to the American Secretary of State; making various popular appeals in that ardent, hysterical style of expression which, in the course of the French Revolution, had now become almost inseparable from the public correspondence of that country.[1]

Adet might possibly have taken to this strange channel of diplomatic influence because affronted with the Secretary of State; for Pickering's letters to him, by the admission of his own party friends,[2] had an epigrammatic sharpness and scornfulness of tone well calculated to offend; nor was the line of his argument always logical. But the main design of the French minister, acting under official instructions as we may well conceive, was evidently to influence the Presidential canvass, which by this time had become exceedingly close, the electoral choice coming early in December. As early as June it had been publicly announced that Washington would retire at the end of his present magistracy, and the leaders of both parties made preparations accordingly.

Jay had not been put into the governor's chair of New York without some forethought of the Federal successorship

[1] See newspapers of the day; 4 Hildreth.

[2] See writings of Hamilton and Fisher Ames, for instance, at this date.

to Washington; but the treaty sank him out of view as a Presidential candidate. Hamilton accepted his true place as the Warwick of his party, manifestly unavailable as a popular candidate for any office. This left the field clear to John Adams, so far as Federalists might bestow the Presidential office, provided conspicuousness of merit, popular strength, or present official rank in the line of promotion could serve as a test. Adams had gained much of late years with the American people; toning down, as he did, in his style of living, avoiding public controversies, and having to incur none of the odium or responsibility attached to the late conduct of foreign affairs. But the Federal leaders in and out of the Senate who had been brought into close relations with him at the seat of government perceived Adams to be irritable and headstrong, as well as a vigorous upholder of executive independence, and one whose views on foreign, banking and funding questions were not always coincident with their own. Dreading such a chieftain to lead the party, and yet unable to break from him openly, they set themselves in secret to scheming his defeat; and, on Hamilton's advice, the plan settled upon was to combine Adams with a popular Southern candidate nominally selected for the Vice-Presidency, and then, after the Federal electors had been chosen, prevail upon those of the North to vote for the two equally; by which means, could the second candidate get a scattered vote in his own section, he would come in first, and make the more manageable President. After casting about, the leaders fixed upon Thomas Pinckney, who now returned to his native land to receive great applause for negotiating the Spanish treaty. And so the Federalist names put forward were those of Adams and Pinckney.[1]

The Republicans, hitherto overborne as a national party, had but one strong candidate, Jefferson, and him they early agreed to push, hoping to carry him by force of his great personal popularity into either the first office or the second.[2]

[1] Patrick Henry, who had at length become a supporter of Washington's policy, was first thought of. See Hamilton's Correspondence, May, 1796.

[2] See 2 Madison's Writings, 83, 103.

To prevent Jefferson from succeeding to either place was the ostensible reason given by Hamilton and his friends for persuading Federalist electors of the North to throw their votes equally for Adams and Pinckney.[1]

All of these political arrangements depended of course upon Washington's probable retirement; for had he indicated the wish to remain in office he would without doubt have been re-elected for a third term. Bache's *Aurora* and the other opposition papers had kept up their attacks upon him steadily, with great virulence, reviewing his foreign policy of 1793 with the help of cabinet documents now first brought to light. Jefferson, who knew that his own political enemies were trying to prevail upon Washington to publicly denounce him, and who feared lest this disclosure of confidential papers might have been attributed to himself, hastened to disclaim all agency in their publication, and, if possible, to establish a claim to Washington's personal confidence consistent with his own political self-respect and the freedom of expressing himself upon public questions.[2]

Washington's reply, though not unkindly worded, and acquitting Jefferson of blame in the present instance,[3] betrayed a strange agitation, besides the decided indisposition to admit a continuance of confidence on the terms intimated.[4] The tone of Jefferson's letter had apparently displeased him; from the opposition party he had suffered much, and the newspaper attacks upon his administration stung like lashes upon a bare back. In that letter Jefferson had indiscreetly preferred a request for copies of certain cabinet opinions by Hamilton and Knox as a means of political offence or defence; and to this the President made no response. Washington, indeed, had nothing but disgust for the present inevitable strife of parties, which

[1] Hamilton's Writings show plainly that he disliked Adams and was quite willing Pinckney should come in first. See Writings, May, 1796; also the admission in his pamphlet against Adams in 1800.

[2] Jefferson's Works, June 19th, 1796.

[3] Washington here observes that he knows the source of the Aurora publication. Randolph is probably referred to.

[4] See Washington's Writings, July 6th.

he had labored faithfully to appease, and much of the responsibility for which he put upon his former Secretary.

But Jefferson was not anti-British more than his present successor in the Cabinet was anti-French. Jay inclined as little to the fraternal hug as Monroe to the dinner-parties of earls and barons; and Washington had balanced himself these past few years upon the hair-line of international neutrality, curbing his own emotions, while the hearts of his fellow-countrymen went out warmly for the most part to this momentous European struggle, enlisted on one side or the other. There was a strong undertow to Jefferson's nature hard to fathom, which those who understood not the ideas he professed, and thought him an atheist and fanatic, took for granted flowed counter. No man of his day was so persistently charged by political foes with hypocrisy and inordinate ambition, notwithstanding political behavior remarkably consistent in its main direction, and a disposition apparently so indifferent, nay, averse, to holding office that those who tendered it even now had to woo him like anxious lovers. Jefferson's theory of public station stripped it so bare of pomp, distinctions, and emoluments, that the desire of his own personal elevation must have been well subordinated to the wider plan of influencing the American Republic in the new direction of equal rights and simplicity of administration. Such an influence he strove to exert, but left the office to take care of itself. If a hypocrite, at all, or a man of duplicity, the duplicity consisted, not in pretending to political principles falsely, but rather in a crafty and silent perseverance in his objects; for, working against opponents, making strong combinations, sowing seed while others slept, he all the while preserved an imperturbable and careless demeanor. The faults of Jefferson's character may be traced as he mounts higher; but his gradual fall from Washington's confidence, which the candid cannot deny, should be attributed to precisely that course of political opposition and distrust on his own part which Washington had in his own letter set forth as represented by others, which he could not tolerate, and which Jefferson himself could not controvert. Jefferson's

letter indicates his own position; and his insincerity, if such one must term it, consisted in indirect and picturesque allusions to the President in conversations and private letters, and the denunciation of political decisions, without impugning the purity of Washington's motives, rather than in that coarse and direct style of personal vituperation in which such papers as the *Aurora* indulged. Good taste, discrimination, and a genuine personal respect for one with whom he was out of political sympathy might account for this, for he was at the same time true to himself; but Jefferson's enemies would attribute it to the fear of risking his own popularity by openly maligning one whom his countrymen idolized to the last.[1]

Washington's theory of the companionship of hearts, in a word, refused to admit any distrust of his political judgment. His long-continued authority and military habits had given him such pre-eminence that he scorned to put himself on the level of contentious statesmen. Their advice he welcomed, whatever it might be, so long as he deliberated; but to his mind a public action once performed by him, upon full reflection and ample counsel, appeared so sacred and so conscientiously undertaken that the breath of censure upon it seemed the taint of a personal disloyalty.

In September Washington put forth a farewell address, which he had long contemplated issuing, and upon which, with the aid of others, he had labored carefully. In words of solemn benediction, and free from all strain of cant or partisanship, this address inculcated political maxims of whose force experience had convinced him, and warned the people against the dangers of geographical parties, of the spirit of faction and the spirit of encroachment upon au-

[1] No later letter ever passed between Washington and Jefferson, says Sparks, but a brief note on an unimportant matter. Sparks's note, Washington's Writings, 1796. But the political alienation previously begun would fairly explain this. Jefferson's presence at Washington's farewell dinner-party, and their conduct at the inauguration of Adams, show that there was no decided rupture of personal relations between them.

thority. The most apt and forcible passage, perhaps, in this famous and familiar state paper, and that which sank deepest, admonished his countrymen against foreign wiles and American intervention in the affairs of Europe. The idea of detaching this continent wholly and forever from the cabinet ambitions and calculations of the Old World over the balance of power was not as yet well comprehended by his fellow-citizens, and here Washington's valedictory left a first and an abiding impression upon the international policy of the United States.[1]

The well-chosen words in which America's venerated captain bade farewell to public station hushed faction into silence; and, the last rapids past, his bark went fitly down to a rich sunset through smooth waters, applauding multitudes crowding the banks, and parties emulating in respect, as though to borrow glory from his departing radiance. Addresses from public and private bodies reached Washington through the winter from all quarters of the Union, couched in terms of loyal respect and affection. The legislatures of one State after another responded heartily to the farewell address, several ordering it to be entered at length upon their journals; among the rest that of Virginia, though reserved as to the wisdom of his late policy, now unanimously expressed respect for the President's person, a high sense of his exalted services, and regret for his approaching retirement.

Dec. 5. The same gratifying spectacle was exhibited in Congress, which, reassembling to receive his last communications, took heed that nothing should mar the harmony of a last intercourse. A small squad of Republicans in the House inclined, indeed, to factiously oppose administration measures; but good policy, and generous emotion besides, led the better part, in compliance with Jefferson's

[1] See 12 Washington's Writings, Sparks's note. Madison had furnished a draft four years earlier, upon which Washington worked at intervals. Hamilton was Washington's chief assistant in the new composition, Washington no longer corresponding with Madison.

advice, to rest on their oars, and, recognizing Washington's immense popularity with the country, leave him to go out with *éclat*, making no further issue with the old administration.

In the Senate various resignations had occurred. Oliver Ellsworth, of Connecticut, had already taken his place on the Supreme Bench as Chief Justice; confirmed to that position after Justice William Cushing had, upon Rutledge's rejection, declined a promotion. Rufus King, of New York, had been sent on the English mission to succeed Thomas Pinckney. Of so little esteem was a seat in the United States Senate held at this day, that both the Massachusetts Senators, Cabot and Strong, had resigned for private reasons, while Trumbull, of Connecticut, preferred the lieutenant-governorship of his State. Other vacancies had occurred in this branch. Several prominent Federalists had in consequence been transferred to the Senate from the House. The new Tennessee Senators, William Blount and William Cocke, took their seats at this session; but destined for far greater honors than either was Andrew Jackson, who appeared as representative of the new State in the House, and a member opposed on principle to whatever might seem to eulogize Washington's administration. He is described as tall and cadaverous at this time, with long locks of hair over his face and his cue behind tied in an eelskin, wearing altogether the dress and air rather of a backwoodsman than a future successor of the high-toned magistrate he so disparaged.

The Presidential election emphasized Washington's warning against geographical parties, for it showed a very close division in this direction. In every State there had been a vigorous contest for the choice of electors, all of whom north of Pennsylvania, together with those of Delaware, proved Federalists. In Massachusetts, however, a Federal legislature filled all district vacancies where no popular choice had occurred, while the Connecticut and New York electors were chosen entirely by the legislature, so that sectional strength was not fully tested. The Pennsylvania Federalists overshot their mark in procuring a legislative

act which required Presidential electors to be chosen on a general ticket instead of by districts, which latter the Republicans had wished; for, to their chagrin, the Republicans unexpectedly carried the State, many Quakers voting the Jefferson ticket, as it was called, over the Adams ticket, from a desire that France should be pacified. The electoral count by the two houses of Congress, which on this occasion took place in the Representatives' chamber, showed that at this first genuine contention of political parties for the great national offices the chieftain of one party was brought in as President, and that of the other as Vice-President, an anomalous situation truly; and so close was the vote of electors, moreover, that the change of two ballots might have reversed results. This was a warning not sufficiently heeded. The plan for a double Federal chance between Adams and Pinckney had failed; for, as it happened, the New England electors, in obedience to the popular wish, stood firmly by their first candidate, and threw away on their second.[1]

1797. Feb.

Jefferson, who had professed the greatest indifference for office, no sooner perceived the closeness of the votes for Presidential electors than he declared to his political friends that, should the choice go into the House, he wished his old friend Adams to take precedence of him. This the Federalists, who got wind of it, interpreted into a deep-laid design to cajole the public and play upon the jealousy of Adams. Nor is it unlikely that Jefferson hoped to detach his opponent from the British wing of the Federalist party, for he dispatched a private letter, exposing the Adams and Pinckney trick, which Madison did not think it prudent to deliver to the President-elect. With tranquil good-humor Jefferson, upon the electoral announcement, felicitated himself on his escape from the first honors, while Ames, deploring the folly of this con-

[1] One electoral vote of Pennsylvania went to Adams. See Electoral Tables, Appendix. The peculiar provision of our original Constitution (amended in 1804) must be borne in mind; two candidates were to be voted for without designating President or Vice-President.

stitutional plan, whereby the chief of a rival party was placed where he would incur no responsibility, predicted, with clear sagacity, that President and Vice-President would now jostle four years like two suns in the meridian, and then the Vice would be first.[1]

Adams presently retired from the Senate, to prepare for assuming his new station; and on the 2d of March Jefferson reached Philadelphia, hailed with artillery as "the friend of the people," though he had deprecated in advance being made any part of a ceremony upon his arrival. Washington, meantime, welcomed the speedy approach of inauguration-day as the weary traveller who catches sight of his distant home. His birthday had this February been celebrated with more spontaneous enthusiasm than ever before; the citizens of Philadelphia turned out in a long procession, headed by Governor Mifflin and Chief Justice McKean, to tender their combined salutations; Federalist and Republican families graced the ball-rooms at night in all the chief cities together, the wife of the President-elect accepting marked honors at the Boston celebration.

On the 3d of March Washington addressed a note to the State Department, which denounced as spurious a collection of letters purporting to have been written by him about 1776, which, originally printed in England, had been lately revived by his enemies in this country through the opposition press, exhibiting him as one secretly sick of the American cause. On the same day he gave a farewell dinner, at which Adams, Jefferson, and Hamilton were all present, together with the cabinet officers and their ladies, and other distinguished guests. After the cloth was removed he filled his glass and said: "Ladies and gentlemen, this is the last time I shall drink your health as a public man; I do it with sincerity, wishing you all possible happiness."[2]

[1] See correspondence of Ames, Jefferson, and Madison, 1796–97.

[2] Newspapers of the day; 5 Irving's Life. Bishop White, who was present at the dinner, says that much hilarity had prevailed among the guests, but upon this toast all gayety was checked, and there were signs of visible emotion in the company.

During their long sojourn at Philadelphia — a city of solid comfort, however plain and unpretentious in appearance — the representatives of the nation were hospitably entertained, though with perhaps less state than in New York. Washington's cream-colored chariot, with its many prancing horses, had here become a familiar sight, and the levees and Lady Washington's receptions went on as at first. Robert Morris, against whom New Yorkers cherished a grudge for the prominent part he bore in procuring the removal of the seat of government from that city,[1] was, before his disastrous failure, the most princely entertainer of the administration in Philadelphia. With less quiet elegance, but more gayety in their train, the Binghams followed. The sprightly and graceful Mrs. Bingham, who was the wife of a Senator and daughter of Thomas Willing, a prosperous merchant, led in the fashionable dissipations of the city, occupying a spacious and finely furnished mansion, in which appeared the first white marble stairway ever seen in America.[2] The Boudinots made the centre of a quiet and philanthropic set, chiefly composed of Quakers. Secretary Wolcott's house was a favorite one with New England members of Congress. Philadelphia's conspicuous jurists, Sergeant, Ingersoll, Shippen, Rawle, Bradford, and Dallas, ranked high at the American bar; Dr. Rush, a hearty abolitionist and the trusted friend of Adams and Jefferson, was eminent, together with Dr. Wistar, among medical practitioners of the old school, whose system recognized the efficacy of calomel and jalap in large doses and a free use of the lancet; and of American scientists in this

[1] A coarse New York caricature, in 1790, exhibited Morris carrying off Federal Hall on his shoulders, while the devil beckoned the way from the roof of Paulus Hook ferry.

[2] Willing, formerly the partner of Morris, was, as we have seen, the first president of the Bank of the United States. Of his beautiful daughters Mrs. Bingham was the most celebrated, having been educated abroad. Jefferson admired her, and Washington gave her a portrait of himself. She died from sudden illness in 1801, and her husband, in his distress, left America, and spent the rest of his life in Europe, where his daughters afterwards married persons of rank.

day none deserved better than the versatile Rittenhouse. The "Old Buttonwood" (so called from ancient trees which stood at the entrance) was the chief Presbyterian church in Philadelphia; and at Christ Church, whose chimes had tongued each calendar day, civil or religious, from Colonial times, — and here Bishop White preached — Washington was a regular Sunday attendant, occupying a pew in the centre aisle, which is still pointed out to visitors.

Cliques and social rivalry were manifested in entertaining the Presidential circle at the temporary capital. There was an old "City Dancing Assembly," whose aristocratic managers drew the lines so as to exclude some wealthy tradespeople of consequence, who, in high dudgeon, organized the new "City Dancing Assembly," for their set. Both assemblies undertook in 1792 to carry off the palm of Washington's birth-night festivities, the new assembly's ball being given February 22d, and that of the old assembly on the 21st, but the President discreetly attended both.

These last days of Washington's Presidency were the last days, too, of our republican court; for the American first society of Washington's day in leading cities was more carefully filtrated than ever since, and in the association of public men submitted less to the levelling down of democratic manners or the join of hands in our modern mammon dance about the golden calf. Nor could a second President have maintained such independence in the public appointments or regulated his official intercourse so reservedly without being thought to presume upon his public station. Under Washington's first successor a more deadly acerbity of politics poisoned the cup of Philadelphia society, and then came the migration of the Federal government to a wilderness where social splendors were impossible.

Even now Philadelphia and New York were filling with imported foreigners, who brought with them new fashions and modified American tastes. French boarding-houses were multiplying; French refugees taught strange dances, strange music, and a strange language; the sans-culottes vied with the old Bourbons of powdered wig and embroid-

ered garments. Emigration to America had set in very strongly from Europe, in consequence of war, persecution, and the general disturbance of business and social occupations. Among English arrivals were Cooper and Dr. Priestley, the latter a pure-minded philosopher holding liberal views in politics and religion, for which he had suffered in England; but whose career in this country, notwithstanding he was publicly hailed as to a land of freedom on his arrival, was not wholly free from social proscription. From the continent of Europe came at this period Talleyrand, De Noailles, Rochefoucauld de Liancourt, Kosciusko, and Volney. Louis Philippe, an exile, lived in humble quarters in Philadelphia. Copley the younger, afterwards Lord Lyndhurst, made a brief visit, giving no sign of his future greatness. Some of these distinguished men came with a design of expatriating themselves, others to seek a temporary abode only, or for mere travel and the study of political institutions which interested them. Actors, farmers, sportsmen, and commercial travellers came and went, and then published their impressions of America.[1]

The place in which Congress held session for ten years, while in Philadelphia, is worthy of mention. This was a plain brick building at the southeast corner of Sixth and Chestnut streets, which the county had commenced erecting in 1787 as a court-house, but which was seasonably appropriated in 1790 to the accommodation of the representatives of the Union during their residence in the city. In the second story of this building the Senate occupied a large south room, at the lower end of which might be seen the Vice-President's seat; and there were smaller chambers, probably used for state and committee purposes, on the same floor. The Senate gallery, when finally constructed, was on the north side. The Hall of Representatives, which

[1] Talleyrand was not admitted to Washington's levees for fear of offending the French government. When it was intimated, however, that he might have a private interview with the President, he said: "If I cannot enter the front door I will not go in at the back." See Griswold's Republican Court, Westcott's History of Philadelphia, and Historic Mansions, newspapers of the day, etc.

was a much larger room than the Senate Chamber, and served better the purposes of a joint session of the two houses, covered all of the first floor of this court-house building, and was differently arranged. The Speaker's seat, as commonly placed, looked east instead of north, and there was a lobby for spectators near the main entrance extending east and west, between which and the Speaker were four narrow desks for the stenographers of the House debates to use. The only general entrance to this building for spectators was by Chestnut Street, and from the main vestibule at the outer door members might file through the lobby, waylaid, perhaps, by anxious constituents who inquired the fate of measures in which they were interested, and thence to their seats; but a special temporary vestibule appears to have been erected midway on the eastern side in order to give them a private access to their hall.

The House was a bustling body, and often turbulent, with much variety in personal type; and Speaker Dayton, a large-boned man, of vigorous manner, would call out "order" in a voice that startled. But in the Senate Chamber all was dignity, courtesy, and moderation; the Senators, never more than thirty-two in number in Philadelphia, appeared well powdered and in rich dress, and if a loud whisper disturbed the member who had the floor Vice-President Adams would restore order by gently tapping with his silver pencil-case upon the little mahogany table which stood in front of him. The decoration of both halls of Congress was simple, and the chair of the presiding officer in each instance was plain and without canopy.[1]

[1] See Westcott's Historic Mansions; also John William Wallace's Address, 1872, Penn. Hist. Society, which cites McCoy, McAllister, and others, and is replete with entertaining information concerning the historical localities of Philadelphia. "Congress Hall" has been greatly altered since the Federal government left that city.

CHAPTER IV.

ADMINISTRATION OF JOHN ADAMS.

SECTION I.

PERIOD OF FIFTH CONGRESS.

MARCH 4, 1797—MARCH 3, 1799.

JOHN ADAMS was inaugurated President of the United States in the Representatives' chamber of the Congress Hall at Philadelphia. There was an immense crowd in attendance, many ladies occupying the seats of members, while the Senators, the justices of the Supreme Court, the cabinet officers, and the Spanish minister sat in distinguished array. Those entitled to places of special honor were announced by the doorkeeper as they entered from behind and approached the Speaker's desk. Washington, whose coach and four had stopped opposite the door of Independence Hall, walked through an avenue which the crowd had formed, and entered the Federal building cheered lustily. The inside applause, which was deafening, commenced the moment he entered the Federal hall, as his name was called, and walked less deliberately than usual to take the seat assigned him on the right of the Speaker's chair; for it was remarked that he seemed hardly self-possessed and calm, and hurried as though desirous of escaping greater marks of respect than were due to a private citizen. Jefferson, who had taken his official oath as Vice-President at 11 o'clock, and assumed his new functions over the Senate in an easy and rather trifling manner, next entered, and, separately announced and applauded, proceeded to occupy the corresponding seat on the left. He appeared tall, straight, good-tempered rather than imposing, his foxy hair very slightly whitened. Last was called the name of the

chief man of the occasion, the new President, and John Adams came slowly down the aisle, dressed in a light-drab suit, with his hair powdered and in a bag. He bowed on each side in response to the plaudits which greeted him as he advanced, and mounting the platform took his seat in the Speaker's chair. Speaker Dayton sat in the clerk's seat below. At high noon two brass fieldpieces stationed in Potter's Field fired a salute, and Adams rose, bowed to different sides of the room, and delivered his inaugural address.

This address, one of the very best of the kind, was a strong, fearless, incisive production, quite characteristic of the author, evincing an admirable comprehension of those general maxims which ought to serve for the general guidance of an American administration, and at the same time vindicating his own inflexible attachment to free government and the Constitution. Here, as upon the recent occasion of taking his leave of the Senate, he made an effort to dispel the old calumny that he was one who preferred a monarchy, and he meant to establish his title to public confidence as one who could well afford to stand upon a life-long record of patriotic service. A disposition to delicate dealing with State governments, he earnestly avowed; an impartial regard of the rights and interests of the whole Union, without sectional preferences; a resolution to do justice by all nations while avoiding the pestilence of foreign influence; a desire to be just and humane in internal concerns, and to improve agriculture, manufactures, and commerce; and, finally a veneration for the Christian religion. All these ideas were conceived and expressed in a comprehensive and catholic spirit.

In two points John Adams strained his emotions in order to make a good impression on his audience. Concerning the French nation he expressed a personal esteem on his part, formed in a residence of seven years chiefly among them, besides "a sincere desire to preserve the friendship which has been so much for the honor and interest of both nations." And with reference to his predecessor he turned, bowing towards the close, to pay him a graceful and lauda-

tory tribute, which was greeted with acclamation, all the audience standing. These were the two themes uppermost in men's minds on the present occasion.

At the conclusion of his speech the oath of office was administered by Ellsworth, the Chief Justice, Adams making each response with fervor; after which the new President retired. An amusing strife of courtesy now ensued between Jefferson and Washington; the former attempting in vain to make the ex-President take precedence; and as the Vice-President finally walked up the aisle with Washington behind him, a loud shout went up; and then the audience jostled and rushed to the main entrance to get a last look at their chief of men.

Accompanied by Pickering, Washington walked to the hotel where his successor now lodged, for the purpose of paying his personal respects, a crowd pressing after. The door was closed, but it presently opened again, and Washington stood there with uncovered head; he bowed three times and slowly retired, and then the crowd gradually dispersed, most of them, probably, to behold him no more. A farewell banquet was given the ex-President in the evening by some three hundred of the leading inhabitants of Philadelphia, Thomas Willing presiding. There was a device prepared to surprise the guests. The rending of a veil discovered to the company, when all were seated, an emblematic painting of the genius of America on a pyramid of sixteen ascents. At her side was an altar dedicated to Public Gratitude, over which she held a scroll inscribed "Valedictory." The life-sized figure of Washington appeared in this picture descending the steps, crowned with laurel and leaving behind him the emblems of power, while his hand pointed towards Mount Vernon.[1]

These farewell tokens, which to a remarkable degree must have seemed spontaneous,[2] made this inauguration day

[1] See newspapers of the day; Westcott's Philadelphia.

[2] So universal was the veneration inspired by Washington on his retirement, that great indignation was felt, because in Bache's Aurora on March 6th an article appeared which rejoiced over the ending of

more an occasion for honoring the setting than the rising sun. Not calmly unconscious of the inferior meed of praise which had fallen to his share on this occasion, nor by any means the submissive disciple he appeared, Adams resolved upon an executive career which should not suffer by comparison with Washington's, nor cause his predecessor to be greatly missed from the helm.

But at the outset he made a grave error, — that of accepting Washington's cabinet in its integrity for his own. A desire to indulge the prevailing idolatry to its full measure may have led him to this conclusion, or a procrastinating spirit, or reluctance to set the first example of retiring high counsellors with the chief executive who had summoned them; but it was assuredly no hearty desire to retain them in the council. And, indeed, a more unsuitable set of coworkers under such a President as Adams could not well be conceived. They were men without a public following; borrowing their sole lustre from Washington's radiance; unreliable gaugers as a whole of the public will and narrow interpreters of public duty; the two most conspicuous of them from the same section of the country as Adams himself; and the majority at least led by all antecedents to look to Hamilton for inspiration, regarding the new President not as the one to whom they owed their place and whom they must faithfully serve, but rather as an erratic old man, whose inaugural betrayed too much French complaisance, and whom they, with external assistance, must keep well-bitted. And Hamilton, their inspirer, was the one of all in the party whom Adams especially disliked, now that electoral grievances were fresh in his mind.

The late Executive had left our country in amicable relations with the foreign powers, France only excepted. Nor

Washington's career, as that of one who had "carried his designs against the public liberty so far as to have put in jeopardy its very existence." This celebrated article, which began with Simeon's ejaculation, cost the publisher a severe beating, and he found it necessary besides to disavow responsibility for it afterwards. Dr. Michael Leib was probably the author, and it appeared in Bache's absence.

was it certain when Washington retired from office that affairs with that country also might not presently be composed. Adet, the French minister, had remained at Philadelphia, his functions merely suspended. Nothing positive was known by March 4th as to the reception of Charles C. Pinckney, our new envoy, at Paris, but favorable rumors were not wanting. Pickering, in January, had published a letter in reply to Adet's complaints of the British treaty, which upheld the course the United States had pursued, more temperately than in his former correspondence; and it was hoped this document would do good abroad as well as at home. Much anxiety was nevertheless felt, the more so that bulletins announced the rapid victories won in Austria and Upper Italy by the new French commander, Napoleon. The winter's intelligence from Europe confirmed the purpose of France to crush, if she could, the commerce of her deadly foe; she looked upon the United States as one of Britain's best customers, and, under the new treaty, a practical ally. Our guarantee of her French West Indies possessions, whose execution under the treaty would have much embarrassed the United States, France did not ask, but, instead, proceeded to retaliate upon American neutral commerce to the West Indies, on the allegation that the Jay treaty was a violation on our part of a solemn compact, whose intent had been to put France on a footing of advantage, not disadvantage, over her enemies.

Scarcely had Washington retired to his plantation and the congenial shades of Mount Vernon when unofficial tidings reached Philadelphia that the French government had refused to recognize Pinckney's official character. Official dispatches soon confirmed the unwelcome news, whereupon a proclamation over the new President's signature convened Congress in extraordinary session at Philadelphia for the 15th of May.

March 11–21.

March 25.

We have seen that Charles C. Pinckney (an elder brother of Thomas Pinckney) reached Paris in December, 1796, bringing with him Monroe's letters of recall and his own credentials. On the day after his arrival Monroe waited with Pinckney upon the French Minister of Foreign

Affairs, De la Croix, who received them with much reserve, but promised to lay the credentials of the new envoy before the Directory. The usual letters of hospitality, which were at this time indispensable to the personal safety of strangers in Paris, were promised for Pinckney and his secretary. Monroe, a few days after, received formal notification from De la Croix that the Directory would not receive another minister plenipotentiary from the United States before that redress of grievances, demanded of the American government, which France had a right to expect. But while Pinckney was here studiously ignored, a compliment was paid to Monroe himself; and De la Croix added the hope, as though constantly to discriminate between the people of the United States and the Washington administration, that affection might still subsist between the French Republic and the American people.

1796. Dec. 9.

Dec. 12.

Pinckney, having received this information from Monroe, sent his secretary to the French minister with a letter, which referred delicately to the slight placed upon himself, and asked whether the Directory desired him to quit France immediately, or would permit him to remain until he could hear from America. But De la Croix adroitly evaded this inquiry by sending a verbal response through Pinckney's secretary; and Pinckney waited, until some two weeks later he was given to understand that, as a stranger remaining in Paris without the requisite letters of hospitality, he was rendering himself liable to arrest.

Dec. 18.

All this time the Directory, while sedulous to avoid recognizing Pinckney as an accredited minister from the United States, refrained from proceeding to harsh extremities, or even committing themselves to writing; their object being, probably, to await Napoleon's progress, and ascertain, besides, the election results for President in America, which Adet had remained to watch. But on January 25th, though the issue of Washington's successor as yet remained in doubt, intelligence had reached Paris of Napoleon's brilliant campaign in Upper Italy; and,

flushed by these new successes of the French arms, and perceiving, too, the firm stand taken by Washington and the Senate of the United States at the opening of the session of Congress in December, the Directory determined to give the direct affront to the American government, for which its representative had been waiting. Accordingly Pinckney now received formal notification from De la Croix that he had become amenable to the law, having staid at Paris nearly two months without special permission. Upon receipt of this letter, which concluded his status, Pinckney procured his passports and left for Holland.

1797. Jan. 25.

Feb. 8.

But Monroe had not been permitted to depart without the courtesy of a farewell reception, so conducted as to manifest more clearly than ever the bent of the French Directory to detach the affections of America from the administration in power, and, while affronting Washington, to leave the door open for reconciliation with any immediate successor who inclined to pursue a more favorable policy. M. de Barras, President of the Directory, complimented Monroe in fulsome strain as one who had ever battled for principles and who had known his country's true interests, and he glorified the recent victories of France, not without a disdainful fling at "the condescension of the American government to the wishes of her former tyrants."[1]

1796. Dec. 30.

The rupture of diplomatic relations with France had not been unforeseen in America, and even before Adams's inauguration Hamilton and other leaders of the party had discussed the proper course of action for the new adminis-

[1] George Ticknor relates that Baron Pichon, who had at this time the special charge of Monroe's matters in the office of Foreign Affairs, told him in 1837 that Thomas Paine, who lived in Monroe's house in Paris, and went about with him constantly, had too much influence over him; also that Monroe injured Pinckney in the eyes of the Directory by insinuating and representing him as an aristocrat. 2 Ticknor's Life, 113. Whatever Monroe's faults, dissimulation was not one of them, and Pinckney, in his dispatches home, acknowledged Monroe's openness and candor, and said that, though feeling hurt at being superseded, he had left nothing undone to promote the objects of Pinckney's mission.

tration in such a contingency. To Hamilton — who anticipated war with France, but clearly perceived, nevertheless, that there should be some further attempt to propitiate — the best plan appeared to be an extraordinary commission of three to the French Republic. He pressed Madison as one member, because of his ability and the necessity of some character for such a commission influential with France. But Pickering and Wolcott, influential from their official station, were inflexibly opposed to Madison's appointment, while the former certainly desired no accommodation with France, but a war under any circumstances. 1797. February. March.

It so happened that the new President, whom Hamilton did not personally accost on the subject, viewed this question of a French mission from a still broader standpoint, and with an honest desire to avoid war. Soon after his inauguration he sought out Jefferson and intimated an intention of sending him upon a special mission to Paris. Jefferson did not encourage the idea, however, for he thought it unbecoming that one of the dignity of Vice-President should go abroad as a diplomatist. Adams then broached the idea of nominating Madison, in connection with Pinckney and another.[1] Jefferson conveyed the intelligence to Madison, who declined as he had expected him to; and as for the President, he found the opposition to a Republican appointment so strong among his cabinet advisers that he dropped the idea of his own accord. It would not be strange if the two astute leaders of the opposition shrunk from serving upon a mission whose control was meant to rest in Federal colleagues, and heeded the warning that Monroe's ill-success afforded.

Upon reception of the unfavorable news from Pinckney, whose demeanor all parties admitted had been unexceptionable, Pickering would have hastened into print with an inflam-

[1] The "other" person was not Cabot, whose name several leaders had already pressed upon Adams. Adams said long afterwards it was Hamilton, but other circumstances indicate Gerry. Knox suggested later that Jefferson should be sent, as did others. See John Adams's Works, March, 1797.

mable statement of the whole affair to fire the American heart. Receiving no countenance from the President for such a proceeding, he secretly appealed to Hamilton, who likewise discouraged him, saying that it might give the impression of adding fuel to fire.[1] Steadily operating upon the recalcitrant members of the cabinet who inclined to immediate war, Hamilton at length so composed their minds that by the time Adams asked written opinions from his department heads, Wolcott and Pickering both advised a further negotiation with France; the latter, however, thinking this a mere concession to what the country demanded, and deprecating all "fraternizing words." McHenry was quite of Hamilton's opinion; while Lee, the Attorney-General, who in a modest way served the new President with constant fidelity, declared himself in favor not only of a new mission, but of doing as well by France as by Great Britain in diplomacy, even to the extent, if necessary, of giving up the "free goods" clause which had now become so vexatious to this offended belligerent. And though the joint mission idea was still distasteful to Pickering and Wolcott, who had proposed various names of Federal individuals for a sole embassy, it gained strong ground by the time that Congress assembled.

President Adams desired an honorable accommodation with France, and sought to pursue it by generous means. He had less sincere respect for the French cause, we may well conceive, than his inaugural indicated; for he positively disliked French institutions and French manners, disbelieved emphatically in the French revolution, and even as to the services France now claimed to have rendered the cause of American independence, had been wont latterly to remark that the French nation was as much under obligation to America as America to her. History shows, nevertheless, that the present obligation rested rather upon the United States, and that our country had profited immeasurably by that close alliance of former years which the old treaty meant to perpetuate. America's present attitude to

[1] Hamilton's and Adams's Works, March, 1797.

France was that, undoubtedly, of one who had gained all the good that such an alliance could procure, and was now asked to make sacrifice under it. There was every reason, outside the letter of a compact, why the United States should wish to keep out of a European war in which neutrality was just and highly for American interests. We could consistently excuse a want of sympathy with the French cause, perhaps, though not furnishing a legal justification for absolving ourselves from the inconvenient trammels of the parchment, on the plea that the present French Republic had dethroned the Bourbons who then befriended us, that its present violence and inconstancy alarmed us, that we should have fought to the end for freedom even without the aid of France, and that a present alliance against European kings lacked that motive of consideration on America's side which the humiliation of George III in 1778 presented to Louis, whose intervention on our behalf had been by no means disinterested.

But Adams, whatever his theoretical views, was fortified in a policy of European neutrality at this time, and of impartiality to France as against her foe, by a just regard for the public interests, the public honor, and the responsibilities of his high office; moreover, by the force of a keen personal resentment entertained against Great Britain, which rankled in recollection of his constant affront as an ambassador to London, and was aggravated by a slight his son, John Quincy Adams, had lately suffered there; and, finally, by a strong desire to purge himself of all suspicion of belonging to the British faction. The President was courageous in his present stand. "My entrance into office," he writes his son, "is marked by a misunderstanding with France, which I shall endeavor to reconcile, provided that no violation of faith, no stain upon honor, is exacted. But if infidelity, dishonor, or too much humiliation is demanded, France shall do as she pleases and take her own course. America is not scared."[1]

When Congress convened in extra session, responding to

[1] John Adams's Works, March 31st, 1797.

his proclamation, the President struck the popular chord by a spirited opening message on the French troubles and the rude treatment which Pinckney had encountered.

May 15. Adverting to that recent trait in French diplomacy, to which Pinckney himself had called attention, namely, of separating, in sense, the American people from their government, "such attempts," declared John Adams, "ought to be repelled with a decision which shall convince France and the world that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority, fitted to be the miserable instruments of foreign influence, and regardless of national honor, character, and interest." He intended to send a new mission to France, but meanwhile recommended the adoption of measures of defence for emergencies, and especially the completion of the naval force. The tone of this message was firm, expressive of the conviction that our government has been just and impartial in its conduct to foreign nations.

The new Senate had now a decided Federal majority, which relieved the new Vice-President of that responsibility of giving a casting vote, from which Adams had been by no means exempt. Schuyler once more appeared from New York in place of Burr. From the House Madison and Page, of the Virginia delegation, had retired, the former having lately married; but with Giles and Nicholas still in their seats, Edward Livingston a member, and Gallatin rising fast to pre-eminence, on their side, the Republicans were ably led in that branch. The Federalists greatly missed the eloquent Ames, who, leaving public life a confirmed invalid when his fame was at its height, was now succeeded from the Boston district by Harrison Gray Otis, an orator of much local renown, but far inferior for winning national triumphs. Some of the most capable Federal members of other years had lately been transferred from the House to the Senate. Jonathan Dayton was re-elected Speaker of the House. The more courtly representatives from New England looked contemptuously upon a rough, under-sized Irishman, of vulgar appearance, named Matthew Lyon, who had just taken his seat in the House as a rural

Republican from Vermont, and who made himself at once conspicuous by asking to be excused from the slavish practice of waiting on the President in procession for presenting the House answer. Federalists joined derisively in voting to grant his request, as though only too glad to leave out of such ceremonials one whose presence could by no means grace them.

This Congress showed at the outset a more decided administration majority in the Senate than in the House, and more positive leaders. Smith, of South Carolina, who conducted the House Federalists at this session for the first and, as it proved, for the last time, was an elegant speaker, but not a man of broad views or genial manners; and so might it be said, in the former respect, of his colleague, and next in influence, Harper, and of the polished Otis, of Massachusetts, who emulated the fame of an illustrious uncle without the quenchless fire or the robust convictions of that great ancestor. The Federal majority in the House was, in fact, quite an inconstant and equivocal one. While Smith would have kept the party to the point of severe crimination, — for he inclined to a war on England's behalf, — Dayton and the less implacable held the balance of power, so as neither to strengthen them decisively nor the Republican opposition whom Gallatin led. "A few individuals, of no fixed system at all," writes Jefferson, "governed by the panic or the prowess of the moment, flap, as the breeze blows, against the Republican or the aristocratic bodies, and give to the one or the other a preponderance entirely accidental."[1]

The latest intelligence from Europe was well calculated to dampen the ardor of those who had been so ready at first to plunge America into a war against France. Napoleon marched to victory. The Emperor of Austria, anxious for the safety of his capital, since his armies had been defeated under successive commanders, had been forced to make a hasty peace; and from Lombardy the Corsican commander proceeded to make rapid conquest of Venice. Minister

[1] Jefferson's Works, June, 1797.

King had written Hamilton from London, anticipating these gloomy events, and announcing a suspension of specie payments by the Bank of England in the midst of the general panic. The fear was now that England might be left alone, unable to co-operate with Austria, and compelled to seek her peace. A mutiny, too, broke out in the British Channel fleet, just as the orders came to prepare for sea; and there was Irish insurrection besides. The longer Congress remained in session this summer, the more unwise did it appear for America to be drawn into a war against France on the side of Great Britain.[1]

May–July. Bills were passed before adjournment to prohibit the outfit of privateers;[2] to forbid the exportation of arms;[3] and to appropriate for fortifying American ports.[4] These were all purely defensive measures. The House so far acceded to the President's wish for a navy that a bill passed Congress to complete and man the three new frigates, "United States," "Constitution," and "Constellation"; and the Senate would have gone farther.[5] In place of all provisional army schemes it was enacted that 80,000 militia should be held ready to march at a moment's warning, each State furnishing its proper quota.[6] A further project for permitting our merchant vessels to arm failed of passage. While the Republicans of Congress exhibited hostility to all centralizing measures which tended to increase needlessly the power or the expenditures of government, they likewise opposed every increase of the taxes. The defensive measures of the present session necessitated, of course, an additional revenue. It was decided, therefore, to increase the duty on imported salt[7] and to impose stamp duties.[8]

[1] See current newspapers; Hamilton's Writings, March–June, 1797.

[2] Act June 14th, 1797.

[3] Act June 14th, 1797.

[4] Act June 23d, 1797.

[5] Act July 1st, 1797.

[6] Act June 24th, 1797. The Senate defeated its own bill for a provisional army of 15,000. Other bills for army increase originated in the House and failed there.

[7] Act July 8th, 1797.

[8] Act July 6th, 1797. The excise receipts at this time were only about one-thirteenth of those derived from the customs.

But so plainly unpopular were all schemes of internal taxation by the Federal government, that the operation of the new stamp act, itself temporary in terms, was postponed to January,[1] and afterwards to the following June.[2] A new loan of $800,000, at a rate not to exceed 6 per cent., was authorized for anticipating the product of the revenues.[3]

Long before the close of this session the new envoys extraordinary to France had been fixed upon, nominated, and confirmed. Turning from his first plan of a piebald commission, Adams sent into the Senate the names of three Federalists: Charles C. Pinckney, Francis Dana, formerly in the diplomatic service, but now Chief Justice of Massachusetts, and John Marshall, of Virginia. But Dana declining a commission, Elbridge Gerry was appointed in his place, the President pleasing himself by the latter selection better than his Cabinet. Gerry, if not a sound Republican, was at least an unsound Federalist, and since Pinckney and Marshall were both moderate men, the commission now satisfied all who sincerely wished an honest accommodation with France. Gerry was known to be by no means an orthodox politician for any party to trust, quite obstinate and opinionated for an associate in affairs, and too often disposed to risk great points in order to secure small ones; but his tried virtues, his probable acceptableness to France and his ripe public experience operated strongly in his favor; while Adams regarded him at this moment with the confidence of an old political friendship, cemented by the recollection that Gerry had withheld his second electoral vote from Jefferson in the late contest lest Adams should fail of the first place. Republican votes in the Senate aided this latest confirmation, which many Federalists would have obstructed, and Gerry and Marshall presently sailed by different vessels to join the third envoy in Holland. Adet had already left for France, having sought in vain to influence the attitude of our new administration towards his government.

[1] See Act July 6th, 1797. [2] Act December 15th, 1797.
[3] Act July 8th, 1797.

As the treaty of 1784 with Prussia was about to expire, the President nominated his son, John Quincy Adams, to Berlin, by transfer from Lisbon, to which latter court Washington had lately accredited him. William Vans Murray was made his successor to the Hague, and William Smith, of South Carolina, the House leader, received the vacant mission at Portugal. A fruitless opposition was made in Congress to these diplomatic changes, as though the full establishment at Berlin or Lisbon were a needless expense.

Congress adjourning in early July to the following November, there was now a long lull in the European turmoil. That France respected little the neutrality of other nations, and would, if she could, have induced the United States to make common cause with her against Great Britain, like the Batavian republic, is quite likely. But her complaints, not unfounded, against America were such as honorable negotiation might hope to remove; and these were chiefly that under the Jay arrangement the rules of contraband provisions and of free ships not making free goods operated so as to render the French treaty of 1778 burdensome instead of beneficial to herself in the present European war. Deeper still rankled the thought that from the position of decided superiority which the old alliance meant to assure her, she had been pushed down to the side of the old antagonist, and must not hope, while the British treaty held good, to rise above her, but only to stand equally well in our friendship.

In pursuance of her recent resolve to treat the United States henceforth as they had treated her, France now sanctioned numerous maritime captures, and particularly those of American vessels having British property on board. As these losses fell chiefly upon America's British faction, so termed, French partisans in this country were not greatly angered. But other pretexts for seizure were presently set up, such as the want of a *role d'equipage*, or official list of the crew. Many of the spoliations upon American commerce were made, too, by privateers fitted out by Americans, and com-

manded by citizens who, like Barney, had sought to divest themselves practically of their American allegiance in order to accept French commissions. The prize decisions in the French colonial ports of the West Indies, Malaga, and Cadiz were strongly biased in favor of sustaining each capture, while the home prize courts, though better constituted, yielded to the influence of an executive authority which seemed desirous of chastising America into a dishonorable revocation of her treaty with Great Britain. Condemnations were made upon the most frivolous pretexts, and not unfrequently upon a corrupt collusion between the captor and minister of justice.

This petulant behavior, like that of some jealous mistress who turns from passionately upbraiding her unfaithful lover to making his new attachment as miserable as possible, could not but alienate the affection of America farther from France than ever. Our people were wearying of these tears and passionate reproaches, these sobs of unrequited service. Willing to do justice, they desired to be quit forever of such false entanglements, and owe their liberties henceforth to themselves. The splendid conquests of the French arms, which the news by every packet rendered more overwhelming, might paralyze some Americans with terror or make others rejoice, but in either case the illusion of international fraternity and the rights of man was rapidly dissolving; France and the United States had no longer a common interest.

Under these circumstances the new drift of our parties tended rather to band citizens together who utterly distrusted France and French policy, and who now regarded the injuries alone we suffered from her, as against those who claimed that France had been wronged by the British treaty and ought to be conciliated. The French and American flags, which had long been intertwined in the coffee-room in New York, were now removed by a vote of the proprietors. Washington's farewell warning against political connections with the ambitions of Europe had left a popular impression, which Adams deepened by his inaugural. Jefferson, quick to discern the signs of the times, and no

worshipper of Napoleonism, which falsified the faith of French philanthropy, declared quite freely his own conviction that nothing would secure us internally but a divorce, in all but commercial arrangements, from both France and England.[1]

Notwithstanding their closer approach, however, on the French question, there was great acerbity of spirit among the party leaders, all the stronger, perhaps, from the desire to maintain party organization intact under discouraging conditions. The extra session had been a violent one, and nearly led to duels between members. Men of different politics in Congress, who had been intimate all their lives, would cross the street to avoid meeting, and turn their heads another way lest they should be obliged to touch their hats; not separating, as formerly, the business of Congress from that of society.[2] For this condition the new President was partly responsible, who had not inspired implicit confidence, nor repelled cavillers like his predecessor. The opposition papers, which, hoping too much favor from the tone of his inaugural, had begun by courting him, fell fiercely to attacking him the moment they perceived that he was a party President, obliged to yield to advisers. They called him the President of three votes, — an epithet which cut Adams to the quick, — and claimed that but for the bad faith of two Pennsylvania electors, chosen for Republicans, Jefferson would have been President in his stead. His chief cabinet officers, no longer restrained to due decorum, criticised with indecent freedom, and took offence at his moderate appointments,[3] while such able

[1] "I can scarcely withhold myself from joining in the wish of Silas Deane, that there were an ocean of fire between us and the Old World." See Jefferson's Works, May 13th; June 21st, 1797.

[2] Jefferson's Works, June 24th, 1797.

[3] McHenry, who, as Secretary of War, could not draft even an Indian message acceptable to Washington, wrote complacently to Hamilton that Adams's opening message was "not precisely such as you would have written; a little too plain." See Hamilton's Writings; Life of Pickering. But Washington commended the address. Adams had appointed Gerry against the wishes of his Cabinet and on his personal responsibility. See George Cabot's Life, 200, 204.

leaders as Hamilton, Jay, and King feared he would be betrayed into intemperate conduct. Federal factions, sent adrift from their former mooring ground, floated hither and thither; there were captains in plenty, but the old fleet commander was missed. And as though to leave his juniors to fall to loggerheads over their own devices, the new executive now hastened to his distant home on the adjournment of Congress, following a precedent which Washington's example failed to make commendable, and which, in later intervals, as we shall see, produced serious altercation.[1]

Ensconced in an easy dignity, whence he might observe every political move on the board without joining in the play, Jefferson had already begun to marshal well the opposition forces, and fulfil his part as their accepted leader. His popularity was enhanced by the cheerfulness with which he accepted his irresponsible and subordinate official station; and writing gracefully, as occasion served him, to Gerry, to Samuel Adams, Edward Rutledge, Pendleton, Madison, Gates, Burr, and others, whether within or without his party, he scattered seed in spots which Federalism had left unsown. Whatever he might do or say, however, his political opponents were uneasy, and they had watched with marked concern the friendly intercourse subsisting between the President and the Vice-President at the outset of the new term. That intercourse had now prudently cooled. And as a means of checking Jefferson's rising popularity, a letter came most opportunely to light early in May, which he wrote to the Italian Mazzei a year before, in the heat of the Jay treaty excitement. In this famous Mazzei letter, whose text was somewhat later distorted for popular effect into a personal onslaught upon Washington, though at first cited less specifically, was expressed, with

[1] In the course of correspondence with his secretaries during this first absence, though they had worked for so short a period under him, Adams is perceived growling at Congress and the common people, complaining to Wolcott that the new revenue bill sets up the Secretary of the Treasury as a rival to the President, and more kindly, yet not with persuasive tact, trying to make the inflexible Pickering share the confidence he feels in Gerry. See 8 John Adams's Works.

only a change of metaphors and phraseology, the idea quite prominent in Jefferson's contemporary writings, to wit, that "an Anglican monarchical aristocratical party" had sprung up in America, whose avowed object was "to draw over us the substance, as they had already done the forms, of the British government." The epistle, purely a private one, and for the most part on private business, had been translated from English into Italian, and from Italian into French, in which latter condition, and with material inaccuracies, the Paris *Moniteur* published it as the text for a fresh homily upon American ingratitude; thence retranslated imperfectly into English it now appeared in the *Minerva*, a leading Federal newspaper in New York. The editor of the *Minerva*, denouncing these sentiments as treasonable and damnable, called upon the Vice-President to declare whether the letter was authentic or not. Jefferson perceived that a correction of the diction would lead him into an open condemnation of the birthdays, levees, processions of Congress, and inaugural pomps; and further disliking to embroil himself with his party opponents by making other needful explanations, he maintained a discreet silence, not without the previous sanction of personal friends.[1]

[1] See Jefferson's Works, 1796–97; 2 Madison's Writings, 118. The first part of the Mazzei letter, which was written April 24th, 1796, related to private business, as did the closing portion; a formal proof of Mrs. Mazzei's death, who was interred in Jefferson's graveyard, having been asked of him. The intermediate portion is that alluded to in the text. The letter, as retranslated, charged the Anglican party with having drawn over us the "form" of the British government, and Jefferson properly observed to Madison, August 3d, 1797, that to state it was "forms" he wrote, would bring about a personal difference between himself and Washington, which nothing before had ever done, besides embroiling him with the country. For by "forms" he referred to the birthdays, levees, etc., of the preceding administration.

The denunciation of an Anglican party contained in this letter, and the allegation of a British form of government, was what the Federal newspapers stigmatized as treasonable; nor without reason, as they viewed government in theory, for Jefferson recounted as thus arrayed against the main body of our citizens, "the Executive, the judiciary,

Monroe reached Philadelphia shortly before the extra session closed, on his return from France. The precise cause of his removal was only conjectured by his friends; and, as a mark of their personal sympathy, a public dinner was given him, at which Chief Justice McKean presided. Jefferson and Speaker Dayton were of the party. This attention much offended the Cabinet; and when Monroe pres-

two out of three branches of the legislature, all the officers of the government, all who want to be officers," etc. He adds: "It would give you a fever were I to name to you the apostates who have gone over to these heresies; men who were Samsons in the field and Solomons in the council, but who have had their heads shorn by the harlot England."

This is an arraignment of the great body of Federalist leaders, whether of civil or military antecedents; exaggerated and, of course, undiscriminating. At this time it appears to have been so regarded. But it became later so much more convenient for Federalists to use this letter adroitly as specially meaning to hold up Washington as the "shorn Samson," and thus invoking the fetichism of that age for Jefferson's annihilation, that they appropriated to the first President an uncomplimentary passage, which others not popularly worshipped would more properly have shared. Hence, too, the story contrived after Washington's death, that the Mazzei letter so offended the father of his country as to cause a last breach with Jefferson; of which there is not the slightest proof, but rather the reverse. See the Langhorne correspondence of March, 1798, Washington's Writings. Both the breach and his own intention to stigmatize Washington as the shorn Samson, Jefferson positively denied when that story circulated as late as 1824. Jefferson, to Van Buren, June 29th, 1824, asserting that the allusion intended was to the Cincinnati. 5 Hildreth, 54, perverts Jefferson's reference to Washington in his first explanation of August 3d, 1797, to Madison, as reference to that letter will show.

The true nature of Jefferson's relations with Washington at this period is sufficiently indicated, *ante*, p. 343. And not to leave the impression that in the heat of political differences Jefferson affected any hypocritical veneration for Washington, beyond what he could possibly have felt, we may quote his letter to Madison, of nearly the same date with that to Mazzei, which contains a really pointed allusion, and the most severe one, besides, that Jefferson ever made to Washington's policy in his published correspondence. Writing of the "incomprehensible acquiescence of the only honest man who has assented to" the Jay treaty, he adds: "I wish that his honesty and his political errors may not furnish a second occasion to exclaim, 'Curse on his virtues, they have undone his country.'" Jefferson's Works, March 27th, 1796.

ently asked the Secretary of State in writing what were the grounds of his recall, Pickering declined officially to state them, referring rather crisply to the change that had occurred in the Chief Magistracy as a reason for this refusal, and claiming the general right, besides, of any President to remove and change subordinates at pleasure without furnishing his reasons. Monroe made an angry rejoinder, and presently prepared and published a pamphlet for his personal vindication, just as Randolph had done. But Jefferson, as preceptor, took especial care that his wrathful friend should avoid Randolph's error of making his issue directly with Washington; and though Monroe's book, which was slow of appearance, exposed him to the impropriety of disclosing official papers, it helped rather than marred his political fortunes. He never again sat in Congress, but his next rise was by a different flight; Virginia, under Jefferson's favor, choosing him in 1799 by its legislature for governor.

July.

Close upon Monroe's arrival from abroad came a public revelation of the Hamilton scandal, to which we have already alluded. Callender, a Scotch refugee of Republican sympathies, who was reporter of the Congressional debates for a Philadelphia paper, published among other political diatribes, in early summer, a collection of papers which drew instant attention to charges made before Monroe, Venable, and Muhlenberg, in 1792, by one Clingman, who had been arrested for participating with a person named Reynolds in procuring a false adjustment of claims upon the government. These tended to the startling conclusion that the Secretary of the Treasury was engaged in corrupt speculations with Reynolds as his tool; but Hamilton had convinced his investigators that this was the fruit of a malicious conspiracy between these two men to make handle of an amour which he carried on several months with the wife of Reynolds, with her husband's connivance, and had recently discontinued after being sufficiently blackmailed. The three members of Congress, accepting this explanation, as Hamilton understood them, dropped the subject considerately, and had hitherto foreborne from inju-

rious disclosure. The original papers, however, were by his associates consigned to the keeping of Monroe, together with a memorandum signed by his colleagues and himself, which stated ambiguously the purport and result of their inquiry. A subsequent paper, signed by Monroe alone, was added to the collection, which showed that Clingman denied Hamilton's statement on being confronted with the testimony. Through some breach of honor, with which Monroe or his Virginia friends must be charged,[1] these two latter documents were now made public, and the subject reopened, as Callender declared, to retaliate for the recent attacks made on Monroe's patriotism and honesty.[2] July.

Hamilton now addressed notes to all three of the investigators, and Venable and Muhlenberg, purging themselves of this disagreeable disclosure, furnished a certificate, cautiously worded, for the ex-Secretary to use in his justification from the charge of corruption. But Monroe, of whom Hamilton more peremptorily demanded the reason why the Clingman certificate, which seemed to countenance a suspicion of such heinous crimes on his part as forgery, the false imputation of inchastity and illicit speculation, had been added to the collection as though a July, August.

[1] The preservation of the Clingman statement appears to indicate a purpose on Monroe's part to make use of this damaging revelation against Hamilton at some future time should strong provocation arise. When he left for France, according to his own account, he left all the documents in the hands of a friend, "a respectable character in Virginia." Who this "respectable character" was is not ascertained. Mr. Hildreth suspects Jefferson; 5 Hildreth, 111. Callender says (History of United States, 102) that Jefferson advised a suppression of this publication, but that his interposition came too late. These papers, however, like some others which served for party ammunition, seem to have circulated confidentially among a conclave of Virginia Republicans, which included Jefferson, Madison, and Giles, and possibly Edmund Randolph or Beckley. See 7 John C. Hamilton's Republic. Beckley had recently lost his re-election as clerk of the House. Though Monroe denied all agency in their present publication, he showed no anger over it.

[2] Among other charges made against Monroe was that of taking French gold.

credible document, made evasive answer; and after an angry correspondence, which scarcely stopped short of a duel, the one was forced by the other to make in self-defence his own public explanation of the unsavory business. This Hamilton did by frankly confessing his adulterous intercourse, and printing the whole correspondence which had passed between himself and Mr. and Mrs. Reynolds, with certificates, furthermore, to establish the genuineness of their handwriting. This mortifying disclosure, which Hamilton could not make without condemning himself "for the pang he had inflicted on a bosom eminently entitled to all his gratitude, fidelity, and love," was manifestly wrung from a proud spirit, which spurned corruption in public dealings; and though it must have afforded to most a strange insight into the private failings of a great statesman, whom party admirers ranked with Washington himself for spotlessness of life, yet the lapse was felt by all zealous hearts to be that of our common humanity. The more generous of Hamilton's political opponents henceforth dropped the story, and the public, like her who had been the most wronged, condoned readily the offence.[1]

An impeachment for high treason further intensified the party bitterness of this year. President Adams, in the course of the first session, had sent a message to the Senate, which complained that the Spanish officers in Louisiana were interfering with the running of our southern boundary line under the recent treaty with Spain. Among the documents communicated on this subject was discovered a letter in which William Blount, a Senator from Tennessee, instigated Indian hostilities in that region for the purpose, as it would appear, of abetting some scheme for invading the Spanish dominions, which he expected to carry out under British auspices. Upon the disclosure of this letter the House presented against Blount articles of impeachment. As the trial necessarily went over to the long session, the accused Senator

June.

July.

[1] See Hamilton's published confession; 5 Hildreth.

was meanwhile sequestered, or deprived of his seat. But the investigation never reached a point on its merits. On the reassembling of Congress at the third and final session, the Senate resolved itself after the long delay into a high court of impeachment. Blount, however, had meantime been elected to the Senate of Tennessee, and as its president declined to appear before the United States Senate in person. His counsel filed a plea denying the jurisdiction of the impeachment court on two grounds: (1.) That Senators were not "officers" who, as the Federal Constitution read, were alone liable to impeachment; (2.) That William Blount, having been already expelled from his seat in the Senate, was not now triable, even as a Senator. The Senate sustained the plea to the jurisdiction, though whether on one or both grounds is not clear; and so, like most later ones, the first of Federal impeachment trials in our history was lost in legal convolutions.[1]

1798. Dec.

1799. Jan.

It was of no little importance to ascertain for a certainty whether any such hostile designs against the Spanish territory as Blount's letter disclosed had really been encouraged by Great Britain; for upon that very hypothesis D'Yrujo had sought to justify the attitude of the Spanish authorities in Louisiana in resisting a present survey of the southern boundary line, and hesitating to relinquish the posts within American jurisdiction. Angry with what might appear like a miserable subterfuge on Spain's behalf for taking up, as to posts and boundaries, that crafty policy so long and so successfully pursued by Great Britain upon our northern frontiers, the charge that a British expedition was actually fitting against the Spanish posts our American administration regarded as wholly fabulous until the Blount letter came to light. Liston, the British minister, who was then asked to explain, admitted that indi-

1797. July.

[1] William Blount died in 1810, a popular leader in his own State, notwithstanding this exit to his Congressional career. He should be distinguished from a brother, Thomas Blount, who served in this Congress as a North Carolina Representative.

viduals had proposed such a plan to him, whose general outline was that the British should invade Florida and the adjacent territory by sea, and then rely upon the co-operation of American citizens; but he added that, discouraging the plot, he had mentioned it to the home government, which discountenanced the scheme as unfriendly to American neutrality. He declined to furnish further particulars. Hereupon D'Yrujo, insisting that the British still entertained such designs, took exception to Pickering's partial and undiplomatic method of putting the inquiry to Liston, and to the crude accusations he had made, notwithstanding, against Spain in his official report, and published in the newspapers. Pickering retorted upon D'Yrujo, going to the press, as the latter had done, and sending copies of his letter to his political friends, that they might partake of his own gratification in belaboring thus the Spanish ambassador. An alacrity to provoke France over the head of Spain, her present ally, and to irritate the latter needlessly, was here apparent on our Secretary's part; and possibly, too, designs deeper still upon the Spanish dominions, to which the President was no party, and whose development under more favoring aspects will be perceived later.[1]

August.

The party press of these years had increased in malignity,

[1] Fisher Ames, October 4th, 1797, congratulated Pickering upon the entertainment his printed answer to "the little Don" had afforded; adding, "You have not left a whole bone in his skin." Pickering's own opinion of D'Yrujo, to whom he constantly imputed dishonorable motives, is shown in a contemporary letter, which expresses his contempt for "the Spanish puppy." In support of the idea entertained by our administration that Spain was trying here to evade her treaty obligations by mere pretexts, Hildreth shows that, years after, Carondelet, the Spanish governor of Louisiana, made overtures to Kentuckians to renew the old intrigue for a separation from the Union. 5 Hildreth, 87. It would be unfair not to accept Liston's explanation of all British disconnection with the Blount invasion scheme, in the absence of clearly opposing testimony. But one of the letters in the published correspondence signed Robert Liston seems slightly inconsistent with it. The contrast between Pickering's defiant correspondence with D'Yrujo and his deferential tone towards the British minister is very marked.

from a recent infusion of editorial talent from abroad. While Callender, the discloser of the Hamilton scandal, prepared registers and pamphlets in the Republican interest, and somewhat later made newspaper ventures of his own, the Federalists had on their side a writer equally scurrilous and abler in William Cobbett, who styled himself in his effusions "Peter Porcupine." Cobbett was of English birth, at one time an attorney's copying clerk, and afterwards a sergeant-major in the British army. Ingratiating himself with the Federal party soon after his arrival, by pamphlets satirizing Priestley and praising Jay's treaty, he commenced publishing a newspaper at Philadelphia, on Adams's accession, called Porcupine's *Gazette*, ostensibly as the mouthpiece of the ultra Federalists, but in reality to propagate British opinions of a deeper dye. Adverting in the columns of his soon notorious sheet to D'Yrujo's remonstrance against the British treaty as being unfair towards his Catholic master, Porcupine's *Gazette* abused the ambassador and his sovereign without stint.[1] Upon D'Yrujo's complaint, the government had directed the Attorney-General to lay this offensive matter before the grand jury of the Federal Circuit Court, and Cobbett was bound over accordingly. McKean, the Chief Justice of Pennsylvania, whose daughter D'Yrujo soon afterwards married, likewise issued a warrant which charged Cobbett with having published certain infamous libels on the King of Spain and his minister, and the Spanish nation. When the grand jury assembled soon after, McKean delivered an able and exhaustive charge upon the law of libel, with express reference to Cobbett's publications, but such was

August.

November.

[1] "As the sovereign is at home," Cobbett proceeded in the most important of these articles after some stinging personal insults, "so is the minister abroad; the one is governed like a dependent by the nod of the five despots at Paris, the other by the directions of the French agents in America. Because their infidel tyrants thought proper to rob and insult this country and its government, and we have thought proper, I am sorry to add, to submit to it, the obsequious imitative Don must attempt the same, in order to participate in the guilt and lessen the infamy of his masters." See 5 Hildreth, 104.

the political diversity of the times that no indictment was found against Cobbett, either in the State or the Federal court.[1] With better success, however, and conformably to some old English precedents, McKean had already bound Cobbett over with sureties to keep the peace, because of libels upon various American characters which had appeared in his papers, and these still continuing, his recognizance was declared forfeited.[2]

The yellow fever raging violently this season at Philadelphia, as well as in 1798, the former panic was repeated, and had not the disorder disappeared once more with the first frosts, Adams would have felt obliged to convene Congress at some other place. The public offices were at one time, indeed, removed to Trenton. As the first of violent opposition organs at Philadelphia, Freneau's *Gazette*, had disappeared in the calamity of 1793, so the second of them seemed likely to follow on the return of the yellow fever in 1798, for Bache, of the *Aurora*, was then one of the victims. But a fearless successor was found in William Duane, another of these new emigrant journalists, who, though born of Irish parents near Lake Champlain, had passed his youth in the British dominions. Duane came penniless to America, having suffered harsh treatment as a newspaper publisher, and at Philadelphia obtained temporary occupation. At first employed to edit the *Aurora* after Bache's death, he presently married Bache's widow, and managing, as he did, the chief organ of the Republican party with great vigor, he became presently a potent politician of the day.

1798.

Fenno died of the yellow fever a few days after Bache, and his son continued the *Gazette*, which from its politics had long enjoyed a liberal share of the government patronage at Philadelphia. But the New York *Minerva*, edited by Noah Webster, afterwards famous as the lexicographer, was now the favorite sheet with the more respectable and conservative party Federalists; for Fenno's *Gazette* inclined to play the sycophant more to the cabinet faction than to the administration.

[1] See 5 Hildreth, 164–173. [2] Ib.

The bitterness of party politics by no means diminished after Congress came together for its second session; the day fixed having been November 13th, but, from fear of the yellow fever, no quorum assembling before the 22d. The President's message urged timely exertions for protecting American commerce and placing the United States in a suitable position of defence; but there appeared in Congress very little heartiness for defensive action so long as our new embassy to France was not heard from. Never did the winter months of a long session drift along more listlessly. Close, too, upon the wings of this pestilence at Philadelphia followed mercantile disaster. Spoliations by England and France, overtrading, foolish ventures, all had borne legitimate fruit, and the commercial distress of Great Britain reacted unfavorably upon various capitalists hitherto considered beyond the reach of ruin. Robert Morris, with Greenleaf and other partners, who had most recklessly embarked in land ventures, went down, and their fall hastened the catastrophe in other quarters. Morris, who ever since the war had been purchasing wild lands in every direction, which he owned by the hundred acres in six different States of the Union and the District of Columbia, had borrowed for several years money to pay the taxes upon his unproductive property.[1] Credit sunk; business stagnated; failures were frequent; prices fell greatly; the Philadelphia market was cheaper than it had been for four years; labor and house rents underwent great reduction. The President, early in January, with the sad experience of Morris in mind, called the attention of Congress to defects in the existing act for the relief of persons who were imprisoned for debt; and to further alleviate the distress of the mercantile community the subject of a bankrupt bill was considered by Congress, but without definite action.

1797. Nov. 23.

A disgraceful affair, the first of personal encounters on the floor of an American Congress, brought home to the minds of peaceable citizens the growing indecorum of our

[1] See Albany MSS., Robert Morris's letters. Morris was released from prison in 1802, and died in 1806.

politics. While the House balloted for managers of the Blount impeachment before the Senate, the Speaker left his chair, members collected in groups, and a general conversation went on. Lyon, who had in vain renewed at this session his former request to be excused from waiting upon the President with the House response, and whose oddity of appearance, loquacity, and vulgar manners, made him the butt of political adversaries who could not appreciate the more courageous side of the man, now entered into a conversation with the Speaker in a loud tone of voice, in criticism of the foreign intercourse bill and the high salaries paid to our ambassadors. Other members gathered about to enjoy the fun of listening, as Lyon proceeded to speak of the Connecticut people; boasting that if he could only go into that State and manage a newspaper, he would so open their eyes that they would turn out all their present representatives for Republicans. Among the jeering bystanders now appeared Griswold of that State; who, laying his hand on Lyon's arm, somewhat jocosely remarked: "You could not change the opinion of the meanest hostler in the State." Lyon replied that he knew better; and that he seriously thought of moving into the State and fighting the Federalists there on their own ground. "If you go," rejoined Griswold, "I suppose you will wear your wooden sword"; alluding, as in a previous taunt which Lyon did not notice, to a ludicrous story then current, that Lyon, while serving in the war, had been cashiered and compelled to wear a wooden sword. Lyon instantly turned and spat in Griswold's face. Griswold drew back as if to strike, but his friends restrained him, and the Speaker, taking the chair, quickly rapped the House to order. A resolution was at once offered by one of the New England Federalists for Lyon's expulsion from the House for a breach of decorum; and upon this resolution a committee on privileges reported favorably a few days after. But, while Lyon's party friends were not a little ashamed of this unique specimen of a statesman, the more so that in making his own defence Lyon presently disturbed the decorum of the House once more, by using an indecent metaphor, they resisted so

1798. Jan. 30.

February.

harsh and summary a means of ridding the House of a fellow-member whose insult had not been after all without wanton provocation; and failing to get a reprimand substituted, they voted against the resolution for Lyon's expulsion, which, receiving accordingly a majority, but not the requisite two-thirds, was lost. Feb. 12.

The opposition to Lyon's expulsion had been placed mainly upon the technical ground that the House was not at the time of the alleged indecorum in actual session. Griswold now took his offended honor into his personal keeping; and when Lyon next appeared in the House, which was not for several days, the usual prayers having been read, Griswold walked up to him and began beating him over the head with a cane. Lyon rushed to the fireplace and seized a pair of tongs, which he brandished at his assailant. They closed and fell together, Griswold uppermost. Griswold's friends dragged him off by the legs; and in his turn Lyon, having procured a cane, advanced to renew the onset; when the Speaker, who had calmly permitted the fight to proceed to this point, called the House to order. Those who had voted against Lyon's expulsion called for the expulsion of both the parties to this shameful strife; but Griswold's friends now turned to his advantage the argument these had used before, that the House was not in session, and hence neither an expulsion nor a censure could be carried. But both Lyon and Griswold were required to pledge themselves to have no further personal contest during the session. Disgraceful as was this public spectacle, each of these representatives was returned to the succeeding Congress by his constituency; having gained an opportunity to deepen a certain sort of popular sympathy by becoming much talked about.[1] Feb. 15. Feb. 23.

The Federalist leaders, we may here observe, had been extending and consolidating their party strength ever since

[1] This second fracas between Griswold and Lyon was made the subject of an American caricature, which Mr. James Parton has preserved in a recent work.

Washington's retirement; holding up his mantle to the public as a precious relic, while they felt inwardly relieved of that guiding influence which had hitherto constrained political action to such course as the general welfare seemed to his own calm judgment to require. Clinton's retirement from office, and Jay's prudent conduct as Governor of New York, aided political changes in the New York legislature, which early in 1797 brought a Federal Senator once more into Congress. In Massachusetts, too, the spring election of the same year had, for the first time, made a strictly party Federalist the governor of the State, Increase Sumner succeeding the veteran Samuel Adams, who now relinquished office. Vermont chose a Federal governor in the fall. In New England, New York, New Jersey, and Delaware, Federalism was now strongly established, in name at least; and since the great mass of the voters in this great northerly section developed a repugnance to French fellowship and trusted the successor of Washington to administer the government by his ideas, the old party leaders had determined to go farther still, by rooting Jacobinism completely out of American soil.

Mifflin's term in Pennsylvania had not yet expired. Maryland chose a Republican governor; but in a close legislature, here as in Vermont, a Federalist obtained by a majority of a single vote the United States Senatorship. South of the Ohio and Potomac, however, Republicanism remained still entrenched. With this geographical division of the country, the National Republican party, having already abandoned French sentimentalism, as it had become highly needful, took rather the ground in foreign relations already commended by Jefferson, that America ought to stand neutral of Europe, and keep out of the balance of power;[1] but as for the rest, preaching constant economy and simplicity, and opposing alike all schemes for British influence and American centralism.

From the exhibition of angry wrangling in American

[1] See, *e.g.*, Gallatin's speeches in this winter's debate on foreign intercourse.

politics, let us turn to watch the progress of the American envoys, Pinckney, Marshall, and Gerry, from whom nothing had been heard all this time by their fellow-countrymen, beyond the fact that they had safely reached Paris together early in October, to pursue the grave object of their special mission. Oct. 1797.

The time was unpropitious for honorable or even honest negotiations. While all France suffered financial distress, foreign victories had made the government arrogant. Napoleon, rapidly extending his triumphs over the continent, had, in September, by a military stratagem, purged the French legislative assembly of Pichegru and the royalist faction, in order to strengthen the Barras Directory in his personal interest. As now reorganized, the executive government was both corrupt and compliant to his will. Of the five directors, the majority had no strength with the French people; while Talleyrand, restored to power as minister for foreign affairs, though but lately a proscribed exile, was a wily fox, whose diplomacy meant duplicity, and who had so lately suffered humiliations in America that the opportunity to retaliate must have appeared almost irresistible.[1]

The letters of credence and instruction furnished to our envoys declared them appointed for terminating all differences with France, and restoring harmony and a good understanding, and commercial and friendly intercourse between the two republics. The authority for this purpose was conferred upon the three jointly and severally, and they were directed to proceed to do and obtain justice, at the same time insisting that no blame for past transactions rested upon the United States. Recompense for the late and earlier spoliations of France upon American commerce was to be pressed, though not insisted upon as indispensa-

[1] Talleyrand's visit to America, while in exile, which has been alluded to in the preceding chapter, produced some singular impressions. He regarded Hamilton as one of the three greatest men of the age, but hated Washington, and looked with contempt upon the American people. "A democracy!" he would say, "what is it but an aristocracy of blackguards!"

ble to a treaty, but under no circumstances should such claims be either renounced or assumed by our government as a loan to France. While the envoys of the United States were not to commit their government to any stipulations incompatible with its complete sovereignty and independence, they were permitted to yield terms, if need be, in respect of the seizure of enemies' goods in neutral vessels, provisions, and contraband, similar to those contained in the British treaty. A mutual renunciation of the guarantee clause contained in the treaty of 1778 seemed highly desirable; but this was a topic to be delicately touched upon, if at all; for so far as concerned the present European struggle, France had never yet insisted upon our observance of that troublesome provision, nor seriously controverted the American argument, so favorite a one by this time, that the guarantee related only to the defensive wars of France, and not to an ambitious contest with Great Britain like the present.

Bearing to Paris terms so liberal and honorable from the new President, Pinckney, Marshall, and Gerry
Oct. 4. sent notice of their arrival to the Minister for Foreign Affairs, and requested the appointment of a suitable occasion for presenting their letters of credence to the French Republic. Talleyrand sent them cards of hospitality, but feigned various excuses for putting off the time of their official reception. Presently an influential
Oct. 18, 19. mercantile gentleman of Paris, well known to the envoys, introduced to them a Mr. Hottinguer as a person in whom the utmost faith could be placed, and who had important communications to make. Hottinguer, thus brought to their notice, represented himself as authorized by a gentleman in Talleyrand's especial confidence to confer with them, and proceeded to state, that the French Directory considered themselves affronted by some of the expressions contained in President Adams's message to Congress at the extra session. It was needful that these expressions be softened, by perhaps a written disavowal on their part, before the envoys could be officially received; and a loan must be made the French Republic, together with private

douceurs for the Directors, the latter to the amount of 1,200,000 livres, or about $240,000, which should be placed at Talleyrand's disposal. At the request of our astonished envoys these audacious propositions were put in writing, and Hottinguer presently returned, bringing with him to confirm his authority, the gentleman in Talleyrand's confidence to whom he had referred, namely, a Mr. Bellamy, of Hamburg. Oct. 20, 21.

Bellamy, who professed to be in direct communication with Talleyrand, while careful not to state directly that the proposals emanated from either the minister or the Directory, enforced in substance all that Hottinguer had stated, and immediately proceeded to unfold more at length the means by which a good understanding with the French government might be reached, and a treaty procured which should place neutral rights on the same footing as under the British treaty. A disavowal, a loan, and *douceurs*, he said, were indispensable. And as if to show how money might be secretly transferred between the two governments, so as to avoid all British complaint, Bellamy suggested that the United States should take, by assignment from France, certificates of an extorted Dutch loan, whose present face value was $12,800,000, but which were worth only about half that sum in the market; making, in other words, a present loan of over $6,000,000, with the prospect that securities thus taken would rise to par after the present European war was over. But loan and *douceurs* were in any event to be separated.

Our envoys, amazed that demands should be made upon them, as though the United States, rather than France, had been the aggressor, after all these outrageous depredations upon American commerce, responded that their powers respecting a treaty were ample, but they were not empowered to make any loan; one of their number, however, could return home and consult the government on that point, provided the Directory would meantime suspend further American captures and the prize proceedings, including awards unfavorable to American interests. A recantation of the President's speech was, however, impos-



sible, and from the nature of things, beyond the range of diplomatic revision.

The next day M. Hauteval, a respectable French gentleman, formerly resident in Boston, called to assure the envoys of Talleyrand's good disposition towards the United States, and to pave the way for a private and unofficial interview. It was agreed that Gerry, who had known both Hauteval and Talleyrand in America, should go; and on the 28th, according to pre-arrangement, Talleyrand received him in company with Hauteval, the latter acting as interpreter. The day previous to this meeting, Hottinguer had once more pressed his arguments for a loan and *douceurs* as before. The tenor of Gerry's interview with Talleyrand served to confirm the impression that all Hottinguer and Bellamy had uttered was under his inspiration; for, though discreetly silent as to *douceurs*, Talleyrand now put the request for a loan to France in terms similar, only more peremptory; and he exhibited a decree passed by the Directory, which required reparation made for the language used in the President's speech; observing, however, that he thought its operation might be prevented by an offer of money. Gerry responded with the same observations he and his colleagues had already made to Hottinguer and Bellamy, and to Hauteval afterwards.

Oct. 22, 28.

Oct. 28.

Once more Hottinguer and Bellamy approached the envoys to try either by persuasion or threats to shake their reluctance. Alluding to Napoleon's pending arrangements with Austria, they represented that Great Britain's downfall was now inevitable, in which case her wealth and arts would naturally pass to America; but should France and the United States fall out with one another, the latter power might be doomed to suffer the fate of Venice. Talleyrand had already advised Gerry that the three should assume plenary powers and make the loan; and now the appropriate course was sketched out by these unofficial negotiators more fully. They must propose to Talleyrand, confiding in his influence with the Directory to procure the consent of the latter to a commission on American claims,

Oct. 29–31.

all sums awarded to be advanced to France; one of the envoys should return to America to procure all needful authority respecting a loan; and possibly a cessation of captures and prize proceedings against American property would be ordered during the interval. But all or most of the *douceur* money must be paid at once, and without waiting for any further instructions from America.

Spurning indignantly such base proposals, and determined at length to have no more to do with secret and unaccredited agents and back-stair diplomacy, the envoys now made up their minds to address Talleyrand formally upon the subject of their official recognition, and bring their embassy to a point. As if to terrify them, Hottinguer had shown what purported to be the draft of a criticism upon the President's speech which Talleyrand intended sending them, together with a memorial to America, complaining of the envoys as unfriendly; but this of course produced no effect. Having at length transmitted to America in cipher a full account of their unpleasant experiences, our envoys drew up and forwarded to Talleyrand a communication, courteously worded, which recalled his promise upon their arrival to consider the subject of receiving their credentials. Nov. 1–11.

To this communication no response was made, though Talleyrand gave verbal intimation that it had been received and laid before the Directory. Meantime the unofficial characters renewed their attempts upon the integrity of the envoys with all the energy possible, and regardless of the rebuffs they encountered. The condemnation of American vessels still continued, and the startling report was circulated that all Americans were to be ordered out of Paris. Nov. 21. December.

Gerry's personal relations with Talleyrand, however, being civil, he undertook to arrange a dinner-party at which his colleagues should be present, hoping that by bringing all four of them together socially a better official understanding might result. Bellamy, who called to accompany Gerry to Talleyrand's office for giving the invitation, renewed in Marshall's presence his corrupt proposals of a

loan and gratuity, but so as to reduce the former requirement to a purchase of Dutch rescriptions amounting to half the sum previously stated. He gave assurance that a good understanding between France and the United States might by this means be immediately restored. He even went so far as to suggest new blinds for covering up such a transaction. "Unless these propositions are accepted," he added, "steps will be taken immediately to ravage the coast of the United States by French frigates from St. Domingo." Gerry, who had responded with spirit, informed Talleyrand plainly of these proposals when the latter made his appearance; to which Talleyrand at once responded that information given by Bellamy was correct, and might be always relied upon, and himself proceeded to make a written memorandum of the proposal concerning the Dutch rescriptions, which he showed Gerry, and afterwards burned; prudently refraining, however, as on all other occasions, from direct reference to the gratuity or bribe-money.

The envoys once more resolved to hold no more intercourse with unofficial persons, but to hasten matters to a definite conclusion with the Directory. Their dis-
Dec. 24. patches prepared for America, which brought the narrative down to this date, expressed the opinion that were they to remain six months longer they could accomplish nothing without promising to pay considerable money, unless some unexpected change should occur in the French administration, or the French invasion of England
Dec. 30. by Napoleon, at this time projected, should miscarry. Gerry's dinner to Talleyrand, under all these circumstances, proved of no diplomatic consequence, and the guests appeared under cold constraint.

An elaborate memorial was soon prepared by the envoys
1799. in pursuance of their resolution, and signed by all.
Jan. 17. This recounted in temperate language, the wrongs their country had suffered from France, and defended their government at length against the complaints which the French Republic had made from time to time; concluding, somewhat regretfully, with the request that if no hope remained of accommodating existing differences by any

means which the United States had authorized, the return of the envoys to their own country might be facilitated. This document, which was drafted by Marshall, elicited nothing for weeks beyond an intimation through Talleyrand's private secretary, by no means complimentary, that it was so long that nobody had yet found opportunity to read it. Before it was actually sent, in fact, a new and sweeping decree had been promulgated by the Directory, which declared all vessels good prize having merchandise on board the production of England or her colonies, whoever might be the owner of the merchandise, and which forbade any vessel, except in distress, to enter a French port after touching at an English one. Anticipating this decree, which had been in fact for some time under discussion in the French legislative assembly, our envoys had transmitted a draft of it with their December dispatches. Jan. 18.

There were now indications that Talleyrand had begun to detach Gerry from his less facile colleagues, by adroitly flattering and turning to account his sincerely patriotic wish to avert that declaration of war against the United States which he feared was impending. As this course was unfair to Pinckney and Marshall, and contrary to what the gravity of the situation required, the two resolved to bring about a crisis, and accordingly asked a joint interview with the French minister. The interview was promptly accorded. The artful Talleyrand, still continuing to keep our envoys on the defensive, chided them gently for not paying him private visits, and then, with an assurance that the Directory had sincerely wished on their arrival to see a solid friendship established between France and the United States, once more broached, in the course of two separate interviews, the immediate loan proposition; arguing with them as though their scruples related mainly to exposing themselves and their government to a charge of neutral infidelity, and had only to be overcome by the astute contrivance of some lying subterfuge. Standing upon their honor and the tenor of their present instructions, Pinckney and Marshall sturdily and absolutely refused to make a loan. February. March 2, 6.

At length Talleyrand's counter-memorial appeared. After a long and rambling defence of the French ground taken in the present controversy over mutual grievances, in the course of which the United States were roundly lectured for having shown partiality to Great Britain, it was stated that the Directory felt disposed to treat only with Gerry, "that one of the three, whose opinions, presumed to be more impartial, promised in the course of the explanations more of that reciprocal confidence which was indispensable." This arrogant and insulting proposition (to sustain which the joint and several powers conferred under the credentials of the American envoys were referred to) Talleyrand put forth insinuatingly, as though it were no ultimatum, but a mere wish or suggestion on the part of his government, that Pinckney and Marshall should bow themselves out.

March 18.

Talleyrand and the Directory did not, as we may conceive, intend or expect thus to come to a rupture with the United States and undertake a new war. Such a war promised them no advantage whatever. But they wanted money for the straits of France in her costly campaigns, and for their own private endowment; they were elated by the successes of the French arms in Italy; besides which they had evidently conceived a low idea of American politics and political leaders, and reckoned with over-confidence upon keeping the attachment of sympathizers in the United States with the French revolution, as that of a servile faction, regardless of the unfavorable turn that revolution abroad had taken and of their own nation's honor. With such a faction in America to keep the Federal administration at bay, as a faithful confederate, their more probable intention was to extort all the material aid possible as a price for re-establishing the friendly commercial relations that our merchants evidently desired.

Equally sedulous, however, while maintaining their official dignity to avoid a threatening or offensive tone, Pinckney and Marshall remonstrated in another lengthy paper against the selection of Gerry to the exclusion of themselves; and, defending still their government

April 7.

against Talleyrand's imputations of partiality to England, they expressed the hope that prejudices conceived against them might now be dissipated; or if not, that such passports as the Directory might order would be accompanied by ample letters of safe-conduct. Talleyrand, still urbanely assuming that the retirement of Pinckney and Marshall was their own voluntary act, proposed immediately to the third envoy to resume the negotiations singly; to which Gerry inconsiderately consented, but only, as he said, upon the understanding that he should not be made an instrument for placing any slight upon Pinckney and Marshall, and, of course, as an American no longer an accredited envoy, as one who could only confer informally with Talleyrand and communicate results to his government accordingly.

The embassy now broke up. Marshall having, after some delay and trouble, procured both passport and safe-conduct hastened back to America; Pinckney retired to the south of France, having permission to remain there a few months on account of a daughter's ill-health; while Gerry, full as uneasy as his late colleagues were dejected, continued alone in Paris.[1] April 16.

President Adams had conjectured before Congress assembled, and upon receiving news of the changes affected in the French administration, that the issue of his special embassy might be ill. He felt it impossible to expect permanent tranquillity so long as American commerce remained exposed to plunder without the means of adequate defence or protection. He had thus far sought in vain to bring Congress to his own view that a strong American navy ought to be created and maintained. He early consulted his Cabinet as to the course proper in case our envoys should fail; and when the earlier dispatches from Pinckney, Marshall, and Gerry arrived, which brought the unpleasant story of their mission to the new year and warned him of the impending Jan. 24. March 4.

[1] See Annals of Congress and documents; 5 Hildreth.

decree against neutral vessels, Adams brought the whole subject to the graver consideration of his advisers. These in turn consulted Hamilton. Now Pickering had secretly favored an alliance, offensive and defensive, with Great Britain, which that country much encouraged in its present strait; but Hamilton, whose advice he asked, was more circumspect, notwithstanding he favored it as an ultimate measure. Without knowing the extent of the insult to which our embassy has been exposed in Paris, Hamilton advised the Cabinet that a temperate, but solemn and firm executive message should be submitted, which, leaving a door still open to accommodation, should recommend to Congress a vigorous defence against invasion.[1]

March 5. The arrival of dispatches to the close of 1797 had been promptly communicated to Congress, with an accompanying notice that their purport was unfavorable. But as these dispatches were nearly all in cipher it took time for the Executive to apply the key and ascertain

March 19. their contents. On March 19th the President in a second message informed Congress of the general result reached from a careful consideration of the deciphered correspondence. Though nothing, he observed, in the instructions given to our envoys or their conduct seemed wanting, he could see no ground for expecting that the objects of the mission could be accomplished "on terms compatible with the safety, honor, and essential interests of the United States," or that anything further in the way of negotiation could be attempted "consistently with maxims for which this country has contended at every hazard, and which constitute the basis of our national sovereignty." Accordingly he reiterated the importance of taking immediate steps for the national defence, together with providing adequately for supplying any deficiency in the national revenue which these constant depredations on our commerce might occasion.[2]

[1] See 6, 7 Hamilton's Works, March, 1798; 8 John Adams's Works.

[2] Wolcott drafted this message. Annals of Congress; 8 John Adams's Works; 2 and 8 John Adams's Works.

Most of the Cabinet had favored an immediate declaration of war. Upon Lee's suggestion, however, that our envoys might be exposed to personal danger if the cipher dispatches were promulgated before they got safely out of France, the President withheld their disclosure. The publication of the President's message, apart from the correspondence which had evoked it, caused great excitement; Federalists rising in spirit while their opponents became fixed with amazement. The friends of the administration in Congress undertook, on the strength of the President's convictions, to press their force measures through both branches.[1] Already had the President withdrawn his circular instruction which forbade the collectors to grant clearances to private armed vessels. Yet while French enthusiasm drooped decidedly, the House on present information was not to be easily moved. Adams's judgment carried no such weight as had Washington's; his rashness, his readiness "to fire up by every spark that lit on his passions," were set in marked contrast with his predecessor's cold deliberation and consistency; and, besides, while the one President would have calculated dangers as a soldier, the other, it was felt, might as a civilian risk them with too little discretion. In this instance injustice was done Adams, whose course thus far had been remarkably circumspect, notwithstanding the narrow-mindedness and inflexibility of his chief constitutional advisers; but for their suspected disposition to embroil us in a war with France on England's behalf he had to bear the momentous responsibility.

Convinced in their own minds that the President's message was but a new development of some party plan for swinging America into the European war and accumulating central force at a lavish waste of vital energy, — deeming it

[1] The programme Hamilton submitted was to have ten more ships of the line, an increase of the army to 20,000, together with 30,000 as a provisional force, besides militia; efficient fortification at our chief ports, an extension of revenue to all chief objects of taxation, with a loan; also the suspension of our treaties with France. Hamilton's Works, March 17th, 1798.

incredible, too, that France could have seriously purposed waging a war of invasion upon America, the Republicans prepared to resist these new measures. Jefferson's wish to gain time by getting Congress to adjourn was not to be gratified by a Senate of the present complexion. Bills, hitherto delayed in the House, for equipping the three frigates and against the exportation of arms passed at once.

March 28. The Senate, against a much feebler opposition, concerted measures still more warlike. Ultra Federalists and papers like Cobbett's began to preach up a French crusade.

As the fruit of a conference attended by the Republican members of Congress, Spriggs, of Maryland, offered in the

March 27. House at this juncture three insidious resolutions: (1) that it was inexpedient under existing circumstances to resort to war against the French Republic; (2) that arming merchant vessels ought to be restricted; (3) that adequate protection for our seacoast and for internal defence should be provided. The third appearing to concede what was reasonable for measures purely defensive, the first of these resolutions proved as embarrassing as it was designed to be, and introduced by Spriggs in Committee of the Whole on the State of the Union it had to be met openly. Harper, who now led in debate on the side of the Federalists, tried to give to the resolution an insignificant construction; but Baldwin replied that since the President and others had declared a war inevitable, it belonged to Congress, the war-making power, if they did not think so, to declare to the contrary. A debate was thus opened full of personalities.

Finding the sincerity of the administration and themselves called in question, as well as the existence of an emergency so great as had been represented, the House Federalists wisely determined to risk their cause upon an actual and full disclosure of the mysterious dispatches themselves. A resolution calling on the President for

April 2. the correspondence of the envoys and their instructions passed by general consent.

The propriety of sending in this delicate correspondence

had already been considered by the President and his Cabinet. Pickering had laid much stress on making an abstract of our French grievances, such as he himself would have liked to prepare, and rendering the disclosure more impressive by having the President deliver it from the Speaker's chair.[1] But abstracts are not trusted like original documents; and Wolcott was for disclosing the papers; reluctantly, however, as something which the situation rendered necessary. Hamilton, too, had considered such a disclosure eminently proper.[2] And the President, reaching the same just conclusion in his own mind, apart from Hamilton, complied at once with the call of the House, and sent in all the papers to Congress the next day, including dispatches which brought the narrative into the new year. He withheld only the names and descriptions of Talleyrand's unofficial agents, Hottinguer, Bellamy, and Hauteval, who in the deciphered dispatches were designated as X, Y, and Z. April 3.

The event proved an instant and complete triumph for the administration. Talleyrand's despicable greed appeared in such strange contrast with the honorable demeanor of our envoys, and their assuredly pacific instructions, that the indignation of our surprised legislators was fully aroused. Those who had been waverers in the House went over to the President's side in a body, Speaker Dayton among them. With two-thirds of the Senate, and a decided preponderance in the House, the administration had henceforth its own way. The bronze doors of strife were forced open, and measure after measure tending to war went rapidly through both branches.[3] Meantime the dispatches,

[1] March 23d, 1798. That Pickering would have spiced such a document strongly enough for those of his way of thinking appears sufficiently from the style he bestows upon the French government as "devils out of pandemonium."

[2] March 23d, 1798. See Hamilton's and John Adams's Works.

[3] There were bills enacted for establishing a navy department (Act April 30th, 1798), and authorizing the President to provide ten small vessels (Act May 4th, 1798); for further defence of the harbors (Act May 3d, 1798); for the purchase of cannon, arms, and military stores

at first examined by Congress in secret session, were, under the President's sanction, published and sent far and wide to invoke the judgment of the American people, whose curiosity had been fully whetted. That judgment was of hot and sweeping condemnation against the French Directory; outrages on American commerce might perhaps be borne with patience, but the thought of adding this nation to those terror-stricken tributaries of the old world who felt compelled to purchase favors of the government and its corrupt ministers apart, was intolerable. The war spirit of Congress acted upon the country, and that of the country stimulated Congress in return. "Millions for defence," became the cry, "but not one cent for tribute." Towns, and private societies, grand jurors, militia companies, merchants, the Cincinnati, held meetings and prepared addresses to the President, expressing their full sympathy and approbation of his conduct. The black cockade, a symbol of patriotism in the old days of our revolution, was mounted once more,[1] as if to displace the French tricolor which so many Democratic Americans had worn of late years; and this speedily became the distinguishing mark of the anti-Gallicans, so that whoever dared show himself in public with the Jacobin emblem again might expect to have it torn from his hat with violence.

Meeting in the mass, to tender their services to the President as soldiers, the young men of Philadelphia now

(Act May 4th, 1798); for a provisional army of 10,000 and the acceptance of militia volunteers (Act May 28th, 1798); for the recapture of our vessels unlawfully seized (Act May 28th, 1798). All commercial intercourse between the United States and France was declared suspended after July 1st; one object of this act being to order and keep French vessels out of our harbors under penalty of seizure; but the President was allowed to make special exceptions, or on cessation of French hostilities to dissolve the prohibition altogether (Act June 13th, 1798).

[1] See 5 Hildreth. But by most who now assumed it no such early origin appears to have been ascribed. The story is that Mrs. Adams presented one of the Philadelphia delegation which called upon the President with the black cockade, whence black cockades became the fashion.

set a patriotic example, which was soon emulated by the flower of American youth in all sections, including college students and the sons of sires distinguished in the struggle for independence.[1] Zealous addresses of sympathy from old and young reached the administration, to which signatures were appended by the cohort, that of Philadelphia alone bearing 5000 names. Hopkinson's still popular "Hail Columbia" was composed at this time and set to the "President's March." The song elicited repeated encores and the wildest delight when sung at the theatre in Philadelphia. Another patriotic song, also very popular, was brought out soon after in Boston, entitled "Adams and Liberty," Paine, of that city, being the author. On public occasions these two spirited compositions became in immense demand, both American productions, and pitched alike to the popular key of resistance to an invading foe.[2]

May 7.

[1] These young men of Philadelphia, 1200 in number, marched in a body with their address to the President's house, bearing the American flag and wearing the American cockade. See newspapers of the day.

[2] Both Hail Columbia and Adams and Liberty (which latter was brought out for the first time, according to previous announcement, at the anniversary meeting in Boston of the Massachusetts Charitable Fire Society, June 1st), have the throb of this enthusiastic season. Some favorite singer commonly sang the separate stanzas, with a chorus to take up the refrain. Of the two compositions, Adams and Liberty is the more ambitious in style, besides the superior in poetical merit; particularly the bold imagery of one verse which describes Washington as standing at the portal of Freedom's temple and repelling the tempest of war. But with the later unpopularity of Adams, and the fact of its own peculiar adaptation to a passing occasion, this song enjoyed but an ephemeral fame, though the tune has served another lasting purpose. The more martial strain of the air to Hail Columbia, the greater brevity of its verse, and the simplicity, or commonplaceness, so to speak, of the ideas, commended Hopkinson's song to a permanent place among American national airs.

In each of these songs, as originally sung, the last verse but one made Washington the theme, and the last, President Adams. But the Adams verse commencing:

"Behold the chief who now commands,"

was long ago dropped from Hail Columbia, thus indicating fairly that reversal of fickle favor which the President had soon to encounter. See Centinel and other newspapers, May–July, 1798.

A day of national fasting and prayer, which the President specially appointed, was appropriately observed. And this passionate outburst of American spirit reached its climax on the independence anniversary of 1798, when the revolutionary watchfires were kindled at the old altar. On that day the native-born of the North sported the black cockade; in some towns Talleyrand, as the apostate bishop of Autun, was burned in effigy in his surplice; and at every public feast the toast was drunk heartily which applauded the firmness of the President, whose claims for gratitude were specially to be remembered on this great calendar day. To the strain uplifted by hundreds of choirs the response was echoed from many thousand warm-beating hearts:

May 8.

July 4.

> "For ne'er shall the sons of Columbia be slaves
> While the earth bears a plant or the sea rolls its waves."

Republicanism dragged in the mire during this hour of patriotic zeal. The party failed to recover its lost ground in the spring and summer elections at the eastward. "Federal-Americans," as they now called themselves for the time being, carried New England in phalanx. New York re-elected Jay as governor by more than 2000 votes over his competitor, Chancellor Livingston; a Republican defeat only partially offset by the choice for members of Congress from that State of six out of ten, including Edward Livingston, who had secured his re-election by making a show of yielding to the war fever. Newspapers hitherto reckoned neutral came out strongly in support of the administration and its policy, while the *Aurora* and other steadfast Republican presses staggered from the sudden loss to their circulation.

The *Aurora*, which was charged with being a hireling sheet of the French, had gone so far as to argue that it would be better to comply with the demands of France and pay money down than incur the greater risks and expenditures of war. But the pusillanimous policy of avoiding immediate war by a temporizing purchase of peace, though

hitherto pursued by the administration toward the Barbary powers, and confirmed with them in fact by a recent treaty, was repudiated as inadmissible by the more influential Republican leaders. For this reason chiefly the Spriggs resolutions in the House had been abandoned, and the position which the party sought to occupy in Congress was that of agreeing to all measures of internal defence, while opposing external and offensive preparations.[1] Even this, in the encroaching temper of the country, was found untenable ground; and the bolder administration war measures made such ready way in Congress, that Giles, Nicholas, and many other opposition members of the House, despairing of influence in that body, began to leave for their homes about the last of April, so that the House passed bills of weighty consequence with little more than a quorum present. Gallatin, however, stood manfully by his guns, despite all ridicule and obloquy, and with a forlorn hope attacked whatever measures might seem designed to provoke an aggressive war; accomplishing, however, scarcely more than in the bill which provided for new armed vessels to reduce the number originally intended, and failing in the further effort to exclude their employment as convoys.

In the midst of all this political excitement Marshall landed at New York on his return from Paris, and the Federalists prepared to treat him with especial distinction. He was escorted into Philadelphia by the city cavalry, the Secretary of State with many others in carriages having gone out to meet him. The bells rang and an immense crowd collected; and shortly after, the Federal members of Congress entertained him at a public dinner. Here, and at his later ovation in Richmond, Marshall expressed himself with his usual sobriety, avowing, nevertheless, a belief that accommodation with France on terms consistent with American independence was impracticable. June 16–21. Aug. 8.

Marshall's arrival signified to his excited countrymen that the joint negotiations with the French Republic had termi-

[1] See 4 Jefferson's Works, April 12th, 1798.

nated unfavorably. The President's communications to Congress earlier in the month indicated that such an issue was near. Transmitting now the concluding dispatches of the joint embassy, which Marshall had brought with him to Philadelphia, together with a written disclaimer from Gerry of authority to conclude negotiations alone, and a nervous explanation to the President of his reasons for remaining, Adams declared that negotiations were at an end, and made that announcement to Congress, afterwards so famous: "I will never send another minister to France without assurances that he will be received, respected, and honored as the representative of a great, free, powerful, and independent nation."

June 5–18.

June 21.

The same message from the President covered peremptory instructions from Pickering to the envoys, issued upon the disclosure of the X, Y, Z dispatches, commanding them to demand their passports and return, if not in actual treaty with authorized persons upon its receipt, or if they should discover that the French government was procrastinating and uncandid, and in no event to purchase a treaty with money, by loan or otherwise. This letter had not reached Paris when Marshall left; but not to leave Gerry to gather thence alone the policy his government meant to pursue at this crisis, our Secretary at once sent after him a sharp rebuke for remaining in disparagement of men like Pinckney and Marshall, and ordered him home summarily.[1]

March 28.

June 25.

On the publication of the last dispatches communicated to Congress, and the President's fearless message, which showed that our administration dared and even invited the rupture for which both Talleyrand and the envoys had diplomatically evaded responsibility, popular excitement in America rose to fever heat. Ten thousand copies of these latest dispatches were printed and circulated. In vain did Edward Livingston, in the House, move that the President be respectfully addressed to order our remaining envoy to proceed with the negotiation so far as

July 2, 3.

[1] See Annals of Congress, Appendix.

might consist with the instructions of March 23d; the resolution was pronounced infamous on the Federal side, and voted down by 51 to 30. The response of the country vindicated the President's treatment of French relations to this point as generous, honest, and dignified.

For the first and only time in his career did honest John Adams, after years passed in the battle and storm of public life, taste the tantalizing pleasure of administering the affairs of a people whose heart bounded towards him with the fresh impulse of implicit confidence and unrestrained affection. Not honored by such demonstrations to the exclusion of his immortal predecessor, he was, nevertheless, ranked with him in song, and seemed for the moment to soar to that same eyrie, far above the reach of angry faction, which Presidents yearn for but seldom attain. He had Washington's zealous approval of his course, besides the enviable reputation, on his own part, of a patriot sage who had forecast events and warned an incredulous public to prepare seasonably against coming dangers.[1]

But two circumstances rendered this in reality a most perilous moment, both for Adams and his party: The expectation of a French war with the consent of France was much exaggerated; the opportunity of legislating so freely under the pressure of excitement and while the opposition was thus humbled carried with it an almost irresistible temptation to the abuse of power. Unselfish and disinterested as the President showed himself in his main career, he was not free from vanity, nor in his present triumph, a certain elation of spirits. As for his party, wherein political counsels were much divided, there appeared so much of purblind leadership, with so little deference to the public wishes, that the new war policy with France was at once distended for the proscription of French defenders in America, or rather so as to suppress all hostile criticism of the Fed-

[1] Newspapers of the day praised Adams as the American Herschel, who discovered the approach of the baneful French comet before his fellow-citizens. See Boston Centinel, etc.

eral administration as Federalists themselves might choose to direct it. Interpreting the present experience of France as on the whole unfavorable to popular liberty and free speech, they resolved to show their own disbelief in French Jacobinism by stifling liberty and free speech at home, in the expectation that by compelling the populace of America they would render our American republic all the stronger.

The three measures to procure whose passage party leaders of Federalism in Congress now overstepped the bounds of political discretion, availing themselves of their sudden supremacy in the two houses, were these: (1) The new naturalization act; (2) the alien acts; (3) the sedition act. The Vice-President early apprised Madison that all these enactments were under consideration. "One of the war party," he wrote, "in a fit of unguarded passion declared some time ago they would pass a citizen bill, an alien bill, and a sedition bill. Accordingly, some days ago, Coit laid a motion on the table of the House of Representatives for modifying the citizen law. Their threats pointed at Gallatin, and it is believed they will endeavor to reach him by this bill. Yesterday Hillhouse laid on the table of the Senate a motion for giving power to send away suspected aliens. This is understood to be meant for Volney and Collot. But it will not stop there when it gets into a course of execution. There is now only wanting to accomplish the whole declaration before mentioned a sedition bill, which we shall certainly soon see proposed. The object of that is the suppression of the Whig presses. Bache's has been particularly named."[1]

April 17.

April 25.

(1.) The new Naturalization Act prolonged the requisite term of residence in the United States preliminary to qualifying for citizenship, from five years, as hitherto, to fourteen, rendered the process of naturalization more stringent than before, and at once placed all white aliens who resided or might hereafter arrive in the United States

[1] Jefferson's Works, April 26th, 1798.

under a system of surveillance, by requiring them to be reported and registered. Alien enemies could not become citizens at all. Had there been some constitutional means of driving the obstructive Gallatin out of public life under this bill, many of those Federalist legislators would gladly have employed them who now sought to prevent a repetition of his career. "It is high time for us," declared Harper earnestly in the House debate, "to recover from the mistake with which we set out under the Constitution of admitting foreigners to citizenship; for nothing but birth should entitle a man to citizenship, and, we ought so to declare it." Otis, preaching from the same text, proceeded to offer a resolution that no alien-born should hereafter hold office under the United States, unless at present a citizen thereof. But the better impression prevailed that the Constitution indicated qualifications of its own upon alienage and office-holding, which legislation could not extend; so the majority rested upon the right of assigning a long term of probation for citizenship, added to which would be seven to nine years necessarily, before any one foreign-born could become eligible for Congress.[1] May 3.

(2.) Towards that large class of inhabitants in the United States which the new and restrictive naturalization law would have immensely increased and rendered doubly turbulent in their long period of uncertain allegiance and irresponsibility, an extremely arbitrary and oppressive policy was next sanctioned. Upon plea of the civil commotions engendered from the permitted residence of aliens and other disaffected persons in the United States, aliens were exposed not only to a summary banishment from the United States without any assigned cause, but to summary banishment at the President's sole discretion. No guilt, no accusation, was here needful, nor could the most dutiful behavior afford sure immunity against such deportation. Aliens were here distinguished; (1) as alien friends, or rather aliens generally; (2) as alien enemies.

[1] See Act June 18th, 1798; Annals of Congress. This act was repealed in 1802, and the term of naturalization was once more fixed at five years, from which it has not since greatly varied.

As to the former, the bill which finally passed Congress, and whose continuance was at length limited to two years, permitted the President to order all such aliens as he should judge dangerous to the peace and safety of the United States, or should have reasonable grounds to suspect were concerned in any treasonable or secret machinations against the government, to depart within a certain time expressed in his order. Any alien thus notified who should afterwards be found at large without the President's license, was liable to imprisonment for three years and could never be admitted later to citizenship. An alien might be licensed by the President to remain on furnishing security. Aliens imprisoned under the act might be sent forcibly out of the country whenever the President deemed it for the public safety; and if any alien so arrested and sent out of the country returned voluntarily without permission he might be imprisoned as long as the President thought the public safety required it. Besides the registry required under the naturalization act, of which we have spoken, the President's espionage of aliens extended to compelling masters of vessels on their arrival to report all alien passengers.[1]

This, the familiar Alien Act, which stands without a parallel in American legislation, contained still harsher features as the bill originally passed the Senate; rendering, for instance, any alien who returned after having been sent out of the country liable to imprisonment and hard labor for life, a harsh punishment certainly for so equivocal a crime. The amended bill passed the House by 46 to 40, being strenuously opposed by Gallatin and Livingston, but for whose efforts it would probably have retained more of the brutal vagueness which first characterized it.

Another act of the session dealt more especially with that second class known as "alien enemies"; and this permitted the President in time of war or invasion, under a suitable proclamation, to apprehend, restrain, or remove all natives, citizens, denizens, or subjects of the hostile

[1] Act June 25th, 1798.

government, on such terms as he might see fit to impose.[1]

In both of the alien acts provision was made that the property rights of those who might thus be summarily removed should be respected. There appeared likewise a vague pretence of invoking the judicial process by the aid of Federal marshals; but the true purport of these laws was plainly to trust the President's own discretion, thereby rendering the judicial machinery ancillary to the executive; and, in fact, marshals were to execute the President's will without any recourse whatever to the courts.

(3.) A House committee, of which Sewall, of Massachusetts, was chairman, reported a bill to prevent and restrain "seditious practices." But before this could be acted upon a more general enactment came from the Senate. As introduced in the latter branch by Lloyd, of Maryland, the Senate bill aimed to define and punish both treason and sedition. Its first section declared the people of France to be the enemies of the United States, and adherence to them, giving them aid and comfort, to be treason, punishable with death; section second related to misprision of treason; section third was like section first of the act as finally passed; and section fourth provided for punishing by fine and imprisonment any person who should attempt to justify the hostile conduct of the French, or to defame or weaken the government or laws of the United States by any seditious or inflammatory declarations or expressions tending to induce a belief that the government or any of its officers were influenced by motives hostile to the Constitution or to the liberties and happiness of the people. The most objectionable features of this Senate bill so alarmed Hamilton when he saw it in print that he quickly remonstrated,[2] and the bill

June 4.

June 26.

[1] In the first draft of this bill it was made a crime punishable by seizure and imprisonment and without due process of law, "to harbor or conceal" an alien enemy. Act July 6th, 1798.

[2] "Let us not establish a tyranny; energy is a very different thing from violence." Hamilton to Wolcott, June 29th, 1798, Hamilton's Works.

did not in fact pass the Senate, by 12 to 6, before the first two sections were stricken out and the others somewhat modified.

With the bill enacted in this shape one could hardly in public speech have criticised the constitutionality of an act of Congress, or censured an officer under the present administration as he might deserve, without incurring the risk of a public prosecution, instigated by interested parties. And as to "seditious or inflammatory" declarations, what language short of slavish submission to the powers that be and their mandates might not be imputed as such if one sought to persuade another to vote like himself? Livingston could not, under the Constitution, be arrested for speaking as a member of the House against the alien act, and excitedly exclaiming that its principle "would have disgraced the age of Gothic barbarity"; but Otis declared that this very speech was "evidence of seditious disposition," and Livingston, justifying himself to his constituents afterwards or declaiming on the canvas for a repeal of that infamous act, might become amenable.[1]

The domestic tyranny proposed by this Sedition Act, the blow it aimed at freedom of speech and of the press, the attempt thus made to forestall all constitutional doubts and all legitimate criticism respecting Congressional measures, these and the like objections were pointed out in debate by Nicholas, Livingston, Gallatin, and Macon, of the Republican side, with great force of expression. Harrison called for a reading of the amendments to the Constitution. "Where," asks Nicholas, "is the line the gentlemen claim between liberty and license? The heart and life of a free government is a free press."

July 5–10.

[1] In the present House debate one Federalist speaker read extracts from the Aurora, which he pronounced seditious, but which would now appear simply a sharp and unsparing criticism of the Federal policy and the avowal of political opinions averse to his own. One of these extracts contained an appeal to Irishmen not to enlist in the fight against France while the Alien Act put their rights of citizenship in such jeopardy; an appeal, one must say, which was not under the circumstances unprovoked, nor wholly irrational.

"Error can be successfully opposed by truth," says Gallatin, "and argument is the weapon." To this Dana made the specious response that the editor of a newspaper should "dare to utter what is true, and dread to utter anything that is false"; but as to what might be the infallible criterion of political truth or falsehood he was silent. This opposition forced changes in the phraseology of the bill. Bayard, though a Federalist, procured the desirable amendment, which mitigated the common law of libel by allowing the truth to be given in evidence by the defendant, in accordance with fundamental provisions observed only in two or three States at the present period. An amendment was also carried in the House limiting the continuance of the act. Thus altered, and with reference more to seditious writing and printing than speaking, the bill passed the House by 44 to 41.[1] July 10.

The Sedition Act, as it passed the Senate, must have been obnoxious to that constitutional amendment which forbade all infringement upon freedom of speech and of the press; and though carefully remodelled with the intent of evading

[1] As finally approved by the President, the well-known Sedition Act in its first section made it a high misdemeanor, punishable by a fine of $5000 and five years' imprisonment, for persons to unlawfully combine and conspire to oppose any measures of the government directed by proper authority, or to impede the operation of any law of the United States, or to intimidate persons from taking or holding Federal office, or to commit, advise, or attempt to procure any insurrection, riot, or unlawful assembly. Section second declares that the writing, printing, or publishing of "any false, scandalous, and malicious writings" against the government of the United States, or either house of Congress, or the President, with intent to defame or bring any of them into contempt or disrepute, or to excite against any of them the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein for opposing or resisting any law or lawful executive act, should be punished, on conviction before the United States court having jurisdiction, by a fine not exceeding $2000 and imprisonment not exceeding two years. Section third permits the truth of the matter contained in the publication to be given in evidence as a good defence. the jury to determine law and fact under the court's direction. Act July 14th, 1798; Annals of Congress.

so fatal an objection it was still obnoxious thereto, in spirit certainly, and not unlikely in letter. But in another aspect this act was certainly quite reprehensible, as Republicans had contended in debate; for, according to a final decision of the Supreme Court, rendered many years after, the criminal jurisdiction of the United States courts did not, as so many of our bench and bar at present contended, embrace common-law offences; in other words, while libel and sedition, common-law crimes, could be punished in State courts accordingly, courts of the Federal government exercised no corresponding functions, but were remitted to the jurisdiction of crimes properly declared such under the Constitution and laws of the United States even though Federal officials might be the aggrieved parties. This was no finical distinction; for as to libels against the government of the United States, and kindred political offences, there was far less likelihood of procuring punishment were the culprit amenable only to the courts of his own State, and where, too, even after conviction, a governor's pardon might set him free.

These measures, all born of a single session, — the new Naturalization Act, the Alien Acts, and the Sedition Act,— for all of which the Federalist leaders were solely responsible, apart from their constituencies, weighted their party and the administration with all the odium of a wilful attempt to crush out political opponents rather than win them, and to weed the foreign-born out of the Union. The spirit of American institutions, and those safeguards which our Constitution had fortunately provided, forbade the extensive execution of such laws in the sense desired; while in the end that sullen obstinacy with which the authors clung to their miserable experiment, regardless of the voice of popular warning, overwhelmed Federalism presently with such utter disaster that it sank to rise no more.

These acts were not passed in the midst of a fierce and bloody revolution nor while a foreign war was raging; for then the violence, temporary only, and vindicated or else atoned afterwards, might have been forgiven. Indeed, they were projected, and that too in their very worst shape,

before any tidings of the French mission beyond the X, Y, Z dispatches had reached this country, and when it was not certain that our embassy would fail; in a season, doubtless, of great public excitement, but where that excitement was directed to repelling in effect those expected invaders who had not approached these shores and never would. A sort of photophobia at this time afflicted intelligent statesmen, who, allowing little for the good sense and spirit of Americans, or our geographical disconnection from France, were crazed with the fear that this Union might be made over to some European potentate like Venice, or chained in the same galley with Switzerland or Holland to do the Directory's bidding. The only ground on which the Federalists sought openly to justify their present extreme measures was the suppression of all secret combinations between American democrats and the French army against our aristocrats and the ruling class; combinations which Harper and others affirmed were here, but for whose existence not the slightest proof ever appeared beyond, possibly, that afforded by a rare admission of communications from foreign official sources into the columns of some party newspapers; while the evidence is positive that our most influential Republicans, like Jefferson, Madison, and Gallatin, knew nothing whatever of French relations at this period, outside the usual channels which our Executive controlled. That, besides this unfounded fear, operated the desire of ultra Federalists to take revenge upon those presses which had assailed the British treaty and other pet measures and abused Federal leaders, and the determination to entrench themselves in authority by forcibly disbanding an opposition party which had attracted a readier support at the polls from the oppressed of other countries, like the Irish, Scotch, and French immigrants, no candid writer can at this day question. In order to accomplish their main purpose, the Federalists in the Alien Acts, as though the Constitution were framed to protect natives alone, deliberately set aside trial by jury, and subjected those whom this government had but recently encouraged to seek an asylum and speedy citizenship to the arbitrary disposal, alien friends and alien enemies alike, of the chief Execu-

tive; and in the Sedition Act, distrusting the political bias or tenderer forbearance of State courts and prosecutors, they committed the accusation and sentence to Federal officers and tribunals, — in either case violating the spirit of our fundamental ordinance in order to insure a direction of the machinery favorable to their party ends.

To this persecuting policy, in its full significance, most Federalist leaders, with the exception of their greatest, Hamilton (himself an alien-born, and of a mind too comprehensive in its grasp not to take in dangers which his friends failed to notice), now strongly committed themselves. Adams, whose practice here proved kinder than his theory, dropped, in some of his more indiscreet responses to the patriotic addresses, angry threats of an authority to correct those delusions which had led so many astray. The stern and relentless Secretary of State feared only that the measures as actually passed did not go far enough. Not a Federalist member of Congress had an apologetic word to utter for invading rights held hitherto sacred, nor a regret to express that political censors and the press needed the shackles. Ames and other able advisers of the party approved the present legislation fully.[1] And to such a pitch of native American madness was the black cockade spirit worked by those in whose direction our patriotic youth too implicitly trusted, that legislatures in Massachusetts and several other States won applause by proposing a constitutional amendment for disqualifying from service in Congress all but native-born citizens, or those resident in the United States at and since the Declaration of Independence; thus contriving a new affront to Gallatin, though, of course, accomplishing nothing further.

It may be admitted that the Alien and Sedition Acts were not so dangerous, as actually passed, as they appeared in the preliminary stages. But we are to judge of the political animus of a party in no slight degree by what it

[1] Ames was so intolerant that he refused afterwards to trust John Marshall, because the latter did not believe in the Alien and Sedition laws. See narrative, *post;* Cabot's Life, 147.

attempts; and, as a historical fact, to the opposition at a late stage of the very members whose discomfiture was thereby intended and of the very newspapers to be throttled, rather than to the liberal inclinations of partisans who fathered these measures, we owe it chiefly that the Naturalization, Alien and Sedition Acts stopped short of a tyranny, utterly detestable; so true is it, as the House showed by a comparison with the Senate, that the salvation of a political majority lies in the constant need of confronting a vigorous minority and public opinion. We may also concede that President Adams never enforced the Alien Acts. But this evinced a healthy repugnance on his part to becoming the efficient instrument of a harsh persecution, and showed, furthermore, the undeniable fact that no alarming French machinations were going on in the country; for if the homes and happiness of thousands of industrious exiles from various lands, whose opportunity had been ripening for admission to full citizenship, were intentionally put in jeopardy at this juncture for the sake of frightening poor Volney, the scientific pedant (whom the easily scared had magnified into a spy), and a shipload of unknown Frenchmen out of the country, then this legislative contrivance was more ingenious than useful.

Nor need we deny that the American press of that day had become in a great degree coarse, virulent, and even indecent in the conduct of party discussions; nor that public men were therein traduced and exposed to constant ribaldry; nor that foreign renegades of dissolute habits were employed as writers in some of them, who, in rare instances, were possibly subsidized from abroad. Yet only the bigot could charge that the smirching of distinguished characters was monopolized by one sect to the exclusion of the other. Those who grew livid with rage at Callender's arraignment of a "mushroom six per cent. aristocracy," chuckled when Peter Porcupine erected his quills at McKean and Governor Mifflin, or a newspaper of the first literary pretensions published obscene verses upon Jefferson. No man had a better claim to native American and patriotic ancestry than the founder of that Republican

sheet in Philadelphia, the most hated and dreaded at this moment for its fearless censorship. Here the fountain indeed partook of its source; and that simple warmth with which politicians at this day bandied the epithets of liar, blockhead, and miscreant, or cudgelled, or fought duels, or tore off one another's emblems, was only too readily infused into newspapers which, seldom false to their professions, mirrored not ill the prevalent vehemence of party passion in the breasts of a people, honest, truly, but not as yet educated to polish or variety of expression. In the cultivation of American manners the present compost might serve to top-dress a soil which would gradually grow rich enough to dispense with it. The printer's power of mischief ceased, far more readily than at our later period, with the withdrawal of subscriptions; and since three-fourths at least of the American press now heartily supported the administration against France, a sedition law for keeping the other fourth from endangering the public peace could hardly have been thought essential.

In fine, notwithstanding long authority gave them the advantage of position, those who had promoted these arbitrary measures were by no means as clean-handed and disinterested as they professed to be. If there existed a French faction in the country, there was likewise a British one; but while the one had manifestly declined, the other grew more hectoring. Neutrality in the European conflict, but self-defence against foreign spoliation and insult, were with the great body of Federalist voters, indeed, and with the President at their head, the grand objects to secure in a contest like that now impending; and according to their light the people moved in this direction. But a clique, influential in procuring the Alien and Sedition laws, projected, as we shall see, a war of conquest and a British alliance; with the new rage for calling in the sovereign people and "playing government, as it were, in the street," they were out of humor; and to their scheme, now ripening fast, the continuous hostility of France was like air and sunlight.

After the public communication of the dispatches Mar-

shall had brought home with him, Congress and the country were drawn rapidly and resistlessly into the current of a foreign war. The party plan in Congress appears to have been to pass measure after measure, leading up to the result of declaring war, and so commit the doubtful members, without forcing the direct war issue.[1] This session, so barren in its first months, and so prolific in its last, closed on the 16th of July.

President Adams had a navy and an increased army to officer and organize during the recess. The Secretaryship of the Navy he offered to George Cabot, of Massachusetts; but the latter's natural indolence and dislike of responsibility led him to decline,[2] and Benjamin Stoddert, of Maryland, a Georgetown merchant, without political antecedents, was appointed instead, who proved himself an efficient officer and the most constant member of Adams's present Cabinet, as he was actually the first whom Adams chose for himself. Our little navy, which the President was proud of seeing created and equipped under his administration, consisted originally of the three frigates, "Constitution," "United States," and "Constellation," now ready for sea, with such additional vessels as he might purchase or accept under the authority conferred by Congress, which permitted

[1] Appropriation was made for distributing arms to the States (Act July 6th, 1798). Our merchant vessels were permitted to arm and repel French assaults by force (Act June 25th, 1798). On the ground that France had violated her treaties and refused amicable adjustment the treaties were declared no longer obligatory on the United States (Act July 7th, 1798). And, as a final impulse in the war direction, the President was authorized to issue letters of marque and reprisal against France (Act July 9th, 1798). To meet the extraordinary expenses thus invited, which included a vastly increased army, a navy, and a new marine corps, a direct tax of $2,000,000 was laid, a valuation of lands and dwelling-houses and an enumeration of slaves having been first provided for (Act July 14th, 1798). But the President was allowed to borrow, not only $2,000,000 in anticipation of this tax, but $5,000,000 besides, at usurious rates (Act July 16th, 1798). See Fisher Ames's Works, 1798.

[2] Cabot's Life.

twenty-four vessels in all, including three new frigates, twelve sloops, and six smaller vessels. Officers eminent in the merchant service had been selected for the chief naval commands: Stewart, Hull, Rodgers, Bainbridge, and Decatur, names since famous. The sloop-of-war *Delaware*, under the elder Decatur, put to sea and brought in the first prize ever captured from the French by this nation, a privateer mounting twenty guns.

The selection of new officers for the regular army, which under the latest act of Congress might be augmented to about 13,000 men, to be commanded by two major-generals, an inspector-general with the rank of major-general, and four brigadiers, taxed the President's patience more severely. The popular voice was for Washington to emerge from his retirement, take command of the American army, and repel the foreign invader.[1] Perceiving this, and having already received an intimation from Hamilton of the step which Congress contemplated taking with reference to him, the ex-President, in a friendly strain, invited his successor to visit Washington city and Mount Vernon. He was doubtless aware that his own word and personal example were needful to make America spring to arms, but that younger and fresher men ought nevertheless to take the field; and, moreover, he understood Adams sufficiently to feel that there was great delicacy on his own part in yielding to the public solicitation, and so encroaching upon a President who held his executive prerogative so tenaciously. Little events, indeed, such as the latest celebration of Washington's birthday in Philadelphia, which the old Cabinet honored but not Adams's intimate friends, indicated that the new President was sensitive of honors paid to the old incumbent which could not revert to the new. In his response to Washington's invitation, which doubtless he could not readily have accepted, Adams dropped not a deferential word or hint, but took occasion rather to make the

May 19.

June 17.

June 22.

[1] "Hail Columbia" and "Adams and Liberty" both indicated this sentiment.

unflattering observation that he should have to get a younger set of generals in case of a French invasion, but would like Washington's advice from time to time and the use of his name.

The army bill, according to expectation, established presently the rank of lieutenant-general and commander-in-chief of the armies; and shortly before the session closed the President nominated Washington, the person universally designed for this shining honor, who was unanimously confirmed by the Senate without distinction of party. The Secretary of War was now dispatched to Mount Vernon, bearing the commission of lieutenant-general with Adams's personal letter apologizing to Washington for nominating him without a previous consultation, and somewhat equivocally adding his preference that Washington had been President.[1] At the same time McHenry was directed to intimate to Washington that the latter's advice in forming a list of officers would be extremely desirable to the President, some names being mentioned which occurred to Adams himself. July 8. July 6.

Unfortunately for our second President, who, while complying with the public wish, had directed this affair with much reservation of his official prerogative, a cabinet marplot was already hatching for bringing Hamilton into the second place of command, and thwarting the President's natural desire to control subordinate appointments, as the Constitution gave him the right to do. This purpose was

[1] Adams's haste in nominating was not without good excuse, considering the lateness of the session. To both the President and Secretary of War, Washington had written, July 4th, anticipating a nomination, and intimating his readiness in case of actual invasion to heed his country's call; but the letter had not yet been received. Adams, as his instructions to McHenry showed, though requiring delicacy to be observed "consistent with all the respect that is due from me to him," exposed no strong desire for urging an acceptance upon Washington. "If the General should decline the appointment," he says, "all the world will be silent and respectfully assent. If he should accept it, all the world, except the enemies of this country, will rejoice."

to be accomplished by operating directly upon Washington, without Adams's personal knowledge. The Cabinet conclave appears to have considered, in fact, that with the aged Washington for the actual and Hamilton for the acting commander-in-chief, military operations would speedily fall under the direction of the latter. Hamilton, though he had lately declined the appointment to a vacancy in the Senate, which Governor Jay offered him during the recess of the New York legislature, betrayed no little anxiety for the new military distinction of second in command. Jay wrote to Washington to recommend Hamilton's claims for such consideration, while Pickering, whose opinion as a high revolutionary officer was likely to carry great weight in that quarter, irrespective of his civil prominence, took advantage of a slight delay over McHenry's departure, and mailed a letter to Mount Vernon, pressing Washington to select Hamilton for the second in command, and to intimate further that selection to the President in a way to compel the appointment. Hamilton, who was now in Philadelphia and had long before acquainted Washington with his wish to be inspector-general, most audaciously undertook to modify McHenry's instructions by making him the bearer of a personal missive to Washington. The Secretary of War, likewise fortified by his colleagues in views to which he himself had strongly inclined, bore consequently to Mount Vernon, although nominally the President's confidential messenger sent under special instructions, a letter which not only entreated Washington, in terms which Adams would hardly have sanctioned, to accept his own commission, but told him, in addition, that the President had no relative ideas, and that his military prepossessions were of the wrong sort. A strange message surely to go by the President's dispatch-bearer.

July 6.

June 2.

July 8.

Washington's decision, made upon a clear perception of these counter-currents in the administration, was to accept his appointment of commander-in-chief under two conditions: That the principal line and staff officers should be such as he confided in; and that he should not be called

into the field until a strong emergency arose.[1] The latter condition was embodied in his formal letter of acceptance, which, having been prepared for publication, expressed his fullest approbation of "the wise and prudent measures" of the present administration, and sought to inspire universal confidence in its acts; but the former he confined to the Secretary of War, as the President's agent, and to those in his own express confidence.

Washington's letter of acceptance Adams laid promptly before the Senate, which had by this time reassembled for executive purposes immediately after the adjournment of Congress; and also a list, as arranged by Washington, which named Hamilton for inspector-general (a post whose rank under the Army Act was major-general), and Charles C. Pinckney and Knox for major-generals, nominations which were promptly confirmed. Among the brigadiers appointed were William North, lately a Senator from New York, designated as adjutant-general, Jonathan Dayton, the Speaker of the House, and William S. Smith, the President's son-in-law; but to Adams's mortification the last named, at present a bankrupt, was rejected, not without some intimated reproof of official nepotism.[2] July 17.

The extra session ended, our President hastened at once to Quincy, leaving his subordinates to plan and organize as they might through the recess, while their executive head was hundreds of miles distant enjoying the quiet of his home. He made no effort to first systematize and compose, as was proper, the immense business which the legislation of the late session had thrown upon all departments, and that particularly of War, whose head, McHenry, August.

[1] An ambiguity in McHenry's letter of July 12th to the President from Mount Vernon may have led Adams to suppose, however, that this first condition made reservation only as to staff officers. But that Washington did not so intend appears from his letter of July 14th, to Hamilton as above. The haste made precluded a formal understanding on this delicate point.

[2] Pickering freely admitted that upon the two grounds of discreditable bankruptcy and nepotism he had been active in procuring this rejection.

was quite unequal to his new and arduous responsibilities. Receiving on his way home more than the customary ovation, while the impulse of loyal enthusiasm was so buoyant, and at Milton welcomed with a floral tribute like that bestowed upon Washington on the Assunpink bridge, he reached his farm to find that a serious misunderstanding had already arisen concerning the relative rank of his three major-generals.

Hamilton's friends claimed that he was second in command, while New England papers, which recorded the President's northward progress, asserted as positively that Knox, because of Revolutionary priority, outranked both Hamilton and Pinckney. It would seem that Washington had not meant to settle the delicate point of precedence by the arrangement of names as sent to the President, though he evidently inclined to disregard the old Revolutionary priority of rank so far as his choice went, and esteemed Hamilton the most capable officer of the three.[1] Knox presently accosted Adams on this subject; claiming, together with friends of his in Massachusetts, who now had the President's ear, that his military rank in the war entitled him to be commissioned second in command. To this view Adams, as a fellow-citizen of Massachusetts and a New Englander, who had long respected Knox and more strongly still disliked the idea of Hamilton's precedence, would have acceded, thinking quite naturally that the arrangement rested with his own constitutional discretion, and feeling disinclined to defer more to Washington than duty required. But the President's Cabinet, together with Hamilton, had meanwhile been working with utter disregard of the President himself to induce Washington to settle or dictate the rank as they on their own part desired; and McHenry submitted to the President letters, drafted by Hamilton himself, which were designed to reconcile Knox to a subordinate place, and to officially announce that the order was to be Hamilton, Pinckney, and Knox; for it was desirable to call one or more of the major-generals into immediate service. These letters angered

[1] Washington's Writings, July, 1798.

Adams, and, with some inkling of the intrigue by which Hamilton had been put forward as the essential hero of the hour, he ordered that the commissions instead be made out on successive days and in the reverse order.[1] This disposal of the issue caused great consternation in the Cabinet coterie at Philadelphia. Hamilton declared to his friends that he would not accept his commission upon any such arrangement; while Pickering, in order to force the President, if possible, to reverse his decision, drafted a remonstrance, peremptory in tone, to be signed by all the Cabinet. But Wolcott, who was a much better diplomatist than his colleague who had charge of the diplomatic business, suppressed the draft, and, persuading Hamilton to keep out of sight, sent his own private letter to the President, in which he disentangled the badly managed affair with no little tact and delicacy. To his representations Adams appears at length to have yielded; and by the time a letter arrived from Washington himself, which warmly defended Hamilton against all possible aspersions upon his military or personal character, and pointedly intimated that he should regard any regulation of military rank which postponed Hamilton to Knox as a breach of the conditions upon which he himself had accepted the chief command, the President was able to reply from Quincy, with as much grace as possible, that he had already dated the three commissions on the same day, and would confirm whatever the commander-in-chief might decide in the premises. Washington promptly gave Hamilton the precedence; Pinckney, who would likewise have outranked him under the Continental rule, but was now placed second,

September.

October.

[1] In his first letter to McHenry, Adams said: "There has been too much intrigue in this business with General Washington and me." In the second he explained that his suspicion was that extraordinary pains were taken with McHenry to impress upon his mind that public opinion and the unanimous wish of the Federalists was that General Hamilton might be first and even commander-in-chief; and that McHenry had perhaps expressed this opinion to General Washington more forcibly than he himself should have done. For his own part, he thought public opinion never expected nor desired any such thing.

cheerfully acquiescing. But Knox's soldierly sense would not permit of the double degradation, so he declined his appointment as the third major-general.[1]

That this Cabinet anxiety to establish the seniority of one whose station was quite securely fixed for the present as inspector-general had stronger ingredients than the desire to gratify a military punctilio while leaving to Washington the chief command, may be conclusively inferred from correspondence brought later to light, of which the commander-in-chief remained totally ignorant. By a treaty of 1796, as it appears, France and Spain had lately guaranteed each other's dominions in the Old and New World; and as Blount's letter disclosed a plot on the part of private citizens of the United States for invading Louisiana under the protection of Great Britain, so were similar designs of a more official character cherished by a knot of Federalists, with the Secretary of State at the head; King, our ambassador at London, feeling the way for such an arrangement with the English ministry.

Pickering had purposely conducted his Spanish correspondence as though to force a quarrel, and that with Great Britain so as to promote a joint alliance. As part of the general scheme, an expedition was to be undertaken against the Spanish American colonies under the joint

[1] See 8 John Adams's Works, and the Life of John Adams, in which his grandson, Charles Francis Adams, carefully analyzes the whole correspondence over these military appointments; Cabot's Life; Pickering's Life; 5 Irving's Washington; Gibbs's History. Knox, who was already embarrassed in land speculations, failed soon after. Cabot's Life shows that, at Pickering's instance, Cabot, in conference with others, brought further influence to bear upon the President in Hamilton's favor about the time he received Wolcott's letter. How low Hamilton stood in Adams's own estimation for the next in command to Washington, is shown by the draft of a letter which Adams prepared September 17th to send to Wolcott but concluded to withhold. 8 John Adams's Works. Hamilton, he said, was a foreigner, a person of comparatively low rank in the late army, with no popularity anywhere in America, and of merits which men estimated quite as diversely as those of Calvin.

protection of Great Britain and the United States, with the intention of enabling those colonies to shake off the yoke of Spain. Pitt had favored some such project during the British controversy with Spain in 1790, which nearly led to war but was finally composed; and Spain's present alliance with France now revived its consideration. Miranda, a revolutionist of South American birth, who secretly worked upon the British ministry to such an end, was expecting to make use of disaffection in the Spanish colonies to promote the objects of a joint expedition, besides those of his private ambition. Great Britain would have furnished the navy for the present occasion, and the United States the army; and in case of success the promised reward of the former was to obtain the West Indies as a South American market for her manufactures, together with rights across the Isthmus, while the latter would have the Floridas and all of Spanish Louisiana east of the Mississippi.

How many of the Federalist leaders were in the confidence of this vast international project, is not certainly known. Harper, the administration leader in the House since Smith's departure, had, both to Congress and his constituents, broached, in 1797, the idea that a conquest of the two Mexicos ought to tempt America to league with England against France; but Harper was considered by his own party an unstable politician, and a person not reticent enough to deserve close confidence. Pickering and King, however, were certainly in secret conference on the Miranda scheme before Pinckney and Marshall had left France; while Great Britain, feeling her isolation, and alarmed at the prospect of a French invasion, had deposited powers with her minister in America for inducing a common cause with the United States against her enemies. Scarcely were the X, Y, Z dispatches publicly disclosed before Pickering sounded Hamilton upon the feasibility of capturing Louisiana; and King's letters lifting the curtain still higher soon after Talleyrand's dismissal of the two American envoys, Hamilton found himself secretly initiated into a confidential scheme which, whether pursued by the United States independently or under British auspices, might well have

dazzled his mind with the idea of becoming the liberator of Southern America, perhaps a Cæsar Augustus in the New World.

Having received between April and August several letters from Miranda himself, whose contents he studiously concealed from Washington, Hamilton transmitted an answer for our minister at London to suppress or deliver at his own discretion. This answer favored the Spanish-American invasion, provided the United States should have the principal agency and furnish the whole land force, in which case, he observed, the command would naturally fall upon himself; and sensible as he was that opinion in the American Union was not ripe for such a scheme, he added his belief that it would ripen fast. King delivered this letter to Miranda in fulfilment of his trust, and in October he mysteriously responded that all would be ready in England to co-operate whenever America was prepared. Miranda wrote likewise to Hamilton, saying: "All is ready for your President to give the word."[1]

Aug. 22. Oct. 22. Oct. 19.

The Miranda enterprise must have proved impracticable, sooner or later, without the President's sanction; but Pickering and Hamilton appear to have contrived that Adams, like Washington, should be drawn gently into it; feeling, no doubt, that here were most serious embarrassments. Miranda himself had, in fact, communicated with the President frankly on the general subject. But Adams gave little heed to the scheme, and less favor; for, like Washington, he was partial neither to forcible conquests nor to a foreign and entangling alliance.

March 24, Aug. 27.

[1] 7 John C. Hamilton's Republic; 5, 6 Hamilton's Works, 1798; John Adams's Life, and 8 John Adams's Works. See also an interesting article in 13 Edinburgh Review, 277–311, to which Adams's grandson refers, and which contains Miranda's October letter to Hamilton, and gives a sketch of the Miranda scheme as compiled from British documents. Miranda had written Hamilton an unimportant letter April 5th, 1791, about the time the former invasion was contemplated by Great Britain. Hamilton's Works, 1791.

It was, we may presume, without knowing how far Hamilton was in these toils, since that side of the intrigue had not been disclosed to him, that Adams's war fever rapidly cooled down from the moment he had felt obliged to abdicate his executive functions in military appointments to Washington and Hamilton. We now see him leaving the commander-in-chief, the major-generals, and the Secretary of War to meet and discuss their military plans without his advice, and to fill out blank army commissions at pleasure over his name; refusing to go to Philadelphia to aid in organizing the forces,[1] and grumbling that men of sense should enlist in the army at all when the naval inducements were so much better. The President, in truth, took now no interest in warlike preparations beyond those of the naval vessels in Stoddert's department. "One thing I know," he wrote to McHenry, "that regiments are costly articles everywhere, and more so in this country than any other under the sun. If this nation sees a great army to maintain without an enemy to fight, there may arise an enthusiasm that seems to be little foreseen. At present there is no more prospect of seeing a French army here than there is in Heaven."[2] Oct. 22.

There was, indeed, great sagacity shown in these last words, however satirically expressed. Jay had opened a special session of the legislature of his State in a spirited manner, inducing an appropriation for the defence of New York harbor on account of the balance which that State owed the United States. But there was yet no sign of an invasion, and, the pressure of heroic occasion ceasing, the mercury began to fall. The Federalists, as a party, wished to prolong the present war excitement in order to carry, at all events, the fall elections for a new Congress. As for the Spanish-American conquest, King August.

[1] The health of his wife, who was at this time lying seriously ill, was the cause assigned for this refusal, but probably not the sole one that operated. Adams to McHenry, October 22d, 1798.

[2] Ibid.

had rightly given warning that if we were betrayed by France, — or, in other words, should France decline a fight, — the glorious opportunity would be lost.

But that France would not fight America unless compelled to was becoming more and more evident. The French invasion of England had been abandoned, and Napoleon's operations were transferred to the Nile. Gerry, who returned to America in the early fall, had been told by Talleyrand that the Directory had no thoughts of war, and that France only wished to be put on as favorable a footing with the United States as Great Britain. A benevolent Quaker of Philadelphia, Dr. Logan, who had sailed for Europe in the summer as a self-appointed ambassador of peace, bearing letters from Jefferson and McKean to influential characters abroad, brought back the report, on his later arrival, that Merlin, the new president of the Directory, had expressed the warmest friendship for the United States. About the same time Hamilton must have received a letter from King which said to him: "You will have no war; France will propose to renew negotiations."[1]

November.

Gerry, on his arrival home, was received by his neighbors and fellow-citizens with a bitterness of animosity which the war section of the Massachusetts Federalists, who had long borne him a grudge, did their best to fan into angry demonstration. During his long detention abroad his family had in their home been wantonly insulted;[2] and a newspaper volley poured upon him as soon as he returned, which the President advised him to bear in silence. While Adams treated kindly his mortified friend, who had at once reported himself at Quincy, the Secretary of State held Gerry up to public execration as a man of duplicity and treachery, pusil-

[1] King to Hamilton, September 23d, 1798; Hamilton's Works.

[2] Gerry's Life says that, "letters anonymous or feigned were sent to Mrs. Gerry, imputing his continuance in France to causes most distressing to a wife and mother. Yells were uttered and bonfires were kindled at night about the house, and on one occasion a guillotine was erected under the windows, smeared with blood and bearing the effigy of a headless man."

lanimous in his conduct abroad, who deserved to be impeached. Except for the President's intervention, Pickering would even have deprived Gerry of his pay for remaining later than his colleagues. Upright and serviceable as he meant to be, Gerry had, indeed, cut a sorry figure in separating from Pinckney and Marshall and remaining behind. Talleyrand complained afterwards that he was too irresolute, and that the later correspondence between them was a curious monument of advances on his own part and evasions on Gerry's. Our envoy's irresolution and evasiveness must be ascribed, however, less to his natural perversity, or indecision of character, than to a deepening sense in his mind of the false position he occupied in remaining alone; which sense ripened into conviction when the March instructions from the State Department arrived; though now he found it impossible to secure his papers and hurry on board the dispatch vessel before American newspapers with the X, Y, Z documents printed in full reached Paris. Justly alarmed for his personal safety upon that publication, Gerry had, nevertheless, to stay and confront as he might the real or assumed astonishment and wrath of Talleyrand. While Parisians laughed in their sleeves, knowing well enough the mercenary propensities of the Directory and their wily minister of foreign affairs, the latter, disavowed, as of course, all personal knowledge whatever on his part of corrupt approaches, and demanded the names of these unofficial agents. Gerry disclosed them, imparting the names in confidence. Talleyrand did not stop here, however, but required Gerry to furnish besides, as he could truthfully do, a statement at length to the effect that no *douceur* proposals had proceeded from Talleyrand in person nor from persons employed at his office; and this Talleyrand published, using these admissions of fact as though to contradict the envoy's opinion. The more Gerry now tried to get away, the closer did the French minister, spider-like, seek to draw him into his web; until upon the latter's peevish lamentation that the joint envoys should have brought the negotiations to so fruitless a result, Gerry, with the courage of desperation, charged all the

May 12.

June–July.

blame upon Talleyrand and the French government for attempting to procure the inadmissible loans. If France, he said, wishes sincerely for peace, she can best show it by restraining her outrageous depredations on American commerce. By this effort manfully clearing himself of the web, Gerry procured his desired passports; he received, also, at Havre before embarking, a decree of the Directory, which
Aug. 8. restrained French privateers from committing unauthorized depredations; a proof, to reassure his government at length, both that France was friendly and that he had not tarried without good excuse, nor wholly for Talleyrand's amusement.

No sooner had Gerry been suffered to depart from France,
Aug. 11-22. upon his earnest request, than the Directory issued new decrees favorable to American neutral rights, releasing American citizens who had been imprisoned under the embargo recently placed upon American vessels, besides raising that embargo. Skipwith, our consul-general at Paris, received friendly assurances, moreover, that the French Directory would revise their maritime code so as to treat neutrals with greater favor.

Dr. Logan, too, whose arrival at Paris soon after Gerry's departure had been chronicled as that of an envoy from the States favorable to the French interest, was handsomely entertained at Paris by both Merlin and Talleyrand. But Logan's sudden and secret departure from America on an errand sincerely intended, as indeed it turned out to be, for the genuine benefit of his country, had created a panic in Philadelphia. Denounced in his absence as the agent of an American democratic set who were in traitorous correspondence with the French Jacobins, Logan came home to find,
November. instead of a welcome, the State Department shut against him, and even Washington, to whom, being in town, he went with his pacifying tale, icily incredulous.[1] But upon the President, who soon after arrived at Philadelphia, Logan made a stronger and more favorable impression;

[1] See Washington's Writings, 1798, for a memorandum of this interview.

though berated quite generally still as an officious intermeddler, and to some, high in the administration, all the more obnoxious for bringing back with him the olive branch.

Adams's mind had, in fact, been already impelled in the direction of a fresh negotiation with France by reason of information which reached him ere this from more authentic sources. Two letters in cipher from William Vans Murray, our minister at the Netherlands, which were dated in July, reached Quincy early in October. Upon being deciphered at the State Department and returned to the President, they were found to reveal the startling intelligence that, long prior to Gerry's departure, Talleyrand, seriously dismayed at this passionate uprising of an offended people across the seas, an event upon which, with his contempt for America, he had by no means calculated, made in subdued tone through Pichon, his Secretary of Legation at the Hague, decided overtures to Murray towards re-establishing diplomatic relations with the great republic the latter represented. So powerfully was Adams moved by this news that, with reference to the near approach of Congress, he wrote Pickering, who was in his confidence upon this correspondence, to get advice from the heads of the different departments as to whether the President ought to recommend a declaration of war against France if France did not declare it; or whether further proposals for negotiations ought to be entertained in any event. He recalled in this connection the verbal reservations of his June message to Congress, mentioned names worthy of consideration for a new embassy, and suggested how his message at the opening of Congress might keep the channel of negotiation open without in reality receding from the firm position he had already taken.[1]

July 1, 17.

October 9.

October 18.

October 20.

No direct reply was made to this important communication. But Pickering summoned a conclave, which consisted of the Cabinet officers and one or more of the military generals, Hamilton, at all events, being present; and these

[1] See 8 John Adams's Works, and appendix.

undertook to coerce the President into a war attitude in his opening message, such as might leave no chance for a peaceful retreat. A draft which Wolcott prepared with Hamilton's aid, as expressing the Cabinet opinion on the French portion of the message, set forth that to send another minister to France would be an act of humiliation, not to be submitted to, except under some extreme necessity, such as did not now exist.[1] The President, who reached Philadelphia shortly before the opening of Congress, combined this draft with his own in such a manner that his message in reality faced two ways, and might be thought by some to give to France her final option between peace and war.

Dec. 3–6. But the general impression conveyed to those who heard or read it was otherwise; not the ray of new overtures or a new French mission was discernible by Republicans; and, pronounced as it was by the President from the Speaker's chair, with the new generals, Washington, Hamilton, and Pinckney all ranged near him, a spectacle decidedly warlike was afforded to the country.

News which had just come, announcing the failure of the Irish insurrection against Great Britain, Nelson's victory at the Nile, and Turkey's new declaration of war against France, emboldened some of the Federal supporters to call for a more direct war policy against France. The commerce of the United States had adapted itself, however, to the present situation, and "skulking half-measures," which left the onus of the war to our opponents, fairly accorded with the general voice of the country. Accordingly the President's tone of reluctant hostility was commonly approved, especially as this permitted the war preparations to go on.[2]

[1] 8 John Adams's Works; 2 Gibbs's Federal Administrations. As Pickering was directed to keep the knowledge of the Murray letters to himself, this action of his colleagues and Hamilton may have been without any special information on their part that the state of affairs had really altered. But Hamilton, who was present and influenced this procedure, had most likely received that letter from King, which informed him that there would be no war, and that France would propose to renew negotiations; nor would it be strange if that impression were shared by the others present.

[2] See President's message which urged preparations for war, espe-

Petitions to Congress against the Alien and Sedition laws were very numerous from the Middle and Southern States at this session, and the remonstrances which the Executive had already received during the intermission showed how strongly the common sense of the nation rebelled against that proscriptive legislation for which some vindictive party leaders were chiefly responsible. As for the Alien Act the President showed little disposition to execute the hateful trust confided to him; and when Pickering pressed the business with his customary energy, and requested Adams to authorize heads of departments to decide in his absence from the capital what aliens ought to be dispatched out of the country, he properly refused to delegate an executive authority which under such an act ought, he thought, to be strictly construed. Yet Adams took so little praise to himself for this moderation of enforcement, as to commend his Secretary for insulting the signers of a county address against the Alien and Sedition Acts, by refusing their request to forward it to the President, and giving them a taste of his sauciest pen.[1] Adams's failure to keep his subordinates in due constraint to the public or to methodize the course of public business, produced, indeed, the greatest mischief; mutual co-operation was wanting; but it seemed as if he humored his secretaries to a certain point, while they were drawing him in their own wake like some huge leviathan, who, if stirred to violence, might upset them.

October.

cially in respect to a navy. "But in demonstrating by our conduct that we do not fear war, in the necessary protection of our rights and honor, we shall give no room to infer that we abandon the desire of peace. An efficient preparation for war can alone secure peace. It is peace that we have uniformly and perseveringly cultivated, and harmony between us and France may be restored at her option. But to send another minister, without more determinate assurances that he would be received, would be an act of humiliation to which the United States ought not to submit. It must, therefore, be left with France, if she is indeed desirous of accommodation, to take the requisite steps."

[1] Adams's Works, 1798. As on most other occasions, Pickering hastened to print his effusion in the Federal newspapers.

The first prosecution under the Sedition law was that of a Republican member of Congress canvassing for his re-election; none other in fact than the redoubtable Matthew Lyon, of Vermont. It would be strange if political malice did not provoke the Eastern Federalists to the experiment of crushing by the engine of the law that excitable little Hibernian whom they had once failed to blot out of the delegation from New England by other means; though the indictment was based upon a scathing letter of Joel Barlow, written from abroad, which Lyon had read at a public meeting, and upon his own published address to his constituents, which charged the President with "unbounded thirst for ridiculous pomp, foolish adulation, and selfish avarice." Upon these latter charges poor Lyon was arrested, tried, convicted, and sentenced to a fine of $1000 and four months' imprisonment. On account of this interference with the Congressional canvass there was no choice made at the first election, but on a second trial Lyon was chosen, being then in prison. Vermont's loss in her representation on the floor of the House by this imprisonment for most of the winter session was brought to the notice both of Congress and the Executive; and as Lyon had now become a poor man, a petition, signed by several thousand persons, was presented to the President for remitting the heavy fine imposed on him. "Does Lyon himself petition?" asked Adams, and on being informed that he did not, "penitence must precede pardon," he answered. Lyon's re-appearance in the House near the close of the session, after having served out his term of imprisonment and paid his fine, was the signal for a fresh attempt for his expulsion, on the new ground that he had been convicted for sedition; but the resolution failed to obtain the needful two-thirds vote.[1]

October.

1799. Feb. 10.

Jefferson, who had assumed the responsible guidance of the Republican party from the moment of his accession to

[1] Lyon did not go home again to Vermont, where indictments were still pending against him, besides which he found himself pecuniarily embarrassed. He settled in Kentucky after his second term had expired. Long after his death, Congress, in 1840, by resolution refunded to his heirs the amount of the fine he had paid, with interest.

the Vice-Presidency, and was keeping the sails close-hauled to weather the political tempest, watching every sign of the times with anxious vigilance, now prepared to take the fullest advantage of such Federal follies. The first publication of the X, Y, Z dispatches had impressed him disagreeably; but, concluding that Talleyrand alone must have been corrupt and not the Directory, he still adhered to the view that France herself designed no rupture, though admitting, with regret, the error of her government in assuming that American Republicans cared more for the cause of a foreign nation than their own country. "If it comes to open war," he observed, as he marked the wonderful spirit of his patriotic fellow-citizens, "all will unite as one man to repel the invader." A personal friend, influential in the Virginia legislature,[1] in view of the disheartening situation for their party, had raised the inquiry whether it might not be possible to separate Virginia and North Carolina from the Union. But Jefferson pointed out that party divisions must always exist in every free and deliberate society, and that if on a temporary superiority of the one party the other should resort to disunion no Federal government could ever exist. The present situation, he argued, was not a natural one; the people had been deluded; untoward events since Adams's accession had produced prevailing impressions, and he hoped for a change of sentiment in time.[2]

Responsibility for a large army and for costly war preparations, which only an increase of taxation and large loans could maintain, was a heavy load for the opposing party to carry, unless, indeed, the nation proved to be in serious danger of invasion. This Jefferson felt; and in the Alien and Sedition Acts, the grand incumbrance of our long session, he perceived a tyrannizing tendency which, if quickly exposed, would bring public condemnation on the heads of the authors with crushing weight. To accomplish the latter purpose he concerted with Madison a daring plan during the recess; proceeding, however, secretly and with

[1] John Taylor of Caroline.

[2] Jefferson's Writings, May–July, 1798.

the utmost caution, as seemed highly needful, for the Vice-President was now a suspected character, his movements were closely watched, spies dogged his footsteps, and even his private letters were in danger of being tampered with.

In November the legislature of Kentucky made a startling protest against the constitutionality of the Alien and Sedition Acts, in a series of resolutions which John Breckinridge introduced, and which declared each act to be "not law but altogether void and of no force." These resolutions passed with but a few dissenting votes. A few weeks later the Virginia legislature, under John Taylor's lead, passed resolutions of similar drift but more moderate expression, pronouncing the Alien and Sedition Acts "palpable and alarming infractions of the Constitution." The Kentucky resolutions instructed the delegates of that State to use their best efforts to procure a repeal of the obnoxious acts, while those of both Kentucky and Virginia made a solemn appeal to the other States, as though for a concurrence of sentiment, which might stimulate, if need be, a closer co-operation hereafter. These Kentucky resolutions were drafted in a bolder form by Jefferson, while those of Virginia proceeded more directly from Madison's pen. Jefferson's leading idea was to resolve the obnoxious acts unconstitutional and void, and, assuming a defiant attitude towards the Federal Union in a corresponding sense, to push the principle of resistance to Congress, though only so far as events might render it prudent and desirable.[1]

November.

December.

In thus organizing a revolt of the commune against class tyranny, against the suppression of free speech, the shackling of the press, and the outlawry of men who had sought these shores as an asylum from oppression, Jefferson calculated closely the strength of the two opposing forces. This was to his mind a politic and political warfare, requiring firmness, but a passive firmness. Of his attachment to the Union, his recent letter to John Taylor was strong

[1] Jefferson's Correspondence, December, 1798. See Warfield's Kentucky Resolutions (1887); Schouler's Jefferson, 192–194.

indication. Virginia and Kentucky, he hoped, would make such a diversion of opinion in the Middle States that the Federal government would not dare coerce; and he doubtless comprehended well that the blood stirs more to rouse the lion of revolutionary resistance than the hare of tame protest. But in his ardor when drafting these bold resolutions, he struck into a line of argument which asserted a dangerous latitude of discretion for States, or rather of State legislatures, over Federal legislation, a latitude which neither Breckinridge nor the judicious Madison chose fully at this time to approve, nor Jefferson himself to claim again. All the old thirteen States north of the Potomac hastened to disavow the idea that State legislatures could at discretion revise and disapprove a solemn act of Congress. But the discussion thus elicited served its main purpose in separating more clearly the friends and foes of the present proscriptive enactments; the curvature of the one party caused the other to bend in the opposite and more dangerous direction; and ardent Federalists in the State legislatures who now proceeded to affirm both the constitutionality and policy of the Alien and Sedition laws vindicated their consistency at the expense of their statesmanship.[1]

[1] Madison, who survived the South Carolina troubles in 1832, was most strenuous at that date to condemn the theory of nullification as then propounded by Calhoun, and to clear both himself and Jefferson, so far as possible, from the imputation of having fathered such a heresy, in the above Kentucky and Virginia resolutions. It is matter of record that Madison, by modifying the ideas Jefferson had furnished him, prepared resolutions and an address for the Virginia legislature, so adroitly and yet so forcibly worded as to keep the State within constitutional bounds, and hint only at forcible resistance, while urging sister States to concert in a strictly legitimate protest. The resolutions in Kentucky proposed still more temperate action, though asserting bolder dogmas, Jefferson's preamble being taken but not his conclusion.

In point of fact Jefferson's theory of State rights was bolder (if we may assume the draft of the Kentucky resolutions to be correct, which is contained in volume 9, page 464, of his published works) than either the Virginia or Kentucky legislature chose at this time to assert, and proposed a more positive resistance. His eighth and

Of these Kentucky and Virginia resolutions, once famous in political discussion, the fairest to be candidly added is, that far too much was afterwards made of them, when Jefferson was in his grave.

Calhoun's revival of their dangerous dogmas will bring the subject up again in a later stage of our narrative; but the "father of nullification" in a procreating sense, if such we must style Jefferson, was certainly not the fostering and educating parent of any such offspring. In those early days of constitutional theorizing, and when scarcely a principle of fundamental law had yet received its exposition, judicially or otherwise, while the Constitution itself enumerated without dogmatizing, Jefferson's line of argument should be treated as no more than the ingenious invention of a forgetive brain. Acts probably unconstitutional had passed, and personal liberty was at jeopardy. Jefferson, on the present occasion, did not preach disunion, but decentralization. He meant, and he pursued, a political resistance for political effect. We shall see that he ultimately gained his point, and that as President soon afterward, and for the rest of his life, he sanctioned the broad supremacy of this Union within its legitimate sphere of action. By his official initiative in more respects than one, he gave a new impulse to the strengthening and extension of national empire; though a friend to State rights, no doubt, as long as he lived. Had each State introducer been the actual author, the memory of these State resolutions would scarcely have survived the century which buried the

ninth resolutions in this draft proposed inviting committees of correspondence from the several States, and declared that in case the General Government should abuse its authority and assume powers not delegated, "*a nullification of the act* is the rightful remedy; that every State has a natural right in cases not within the compact (casus non foederis) to nullify of their own authority all assumptions of power by others within their limits." To this dangerous argument Madison (who was, after all, a better judge of the genuine intendment of the Federal Constitution, as contrasted with the old Articles of Confederation) demurred at the time. Madison's Writings, December 29th, 1798; ibid. 1825.

brief controversy and the cause of it. It was because Jefferson's name was found long after to honor this method of State remonstrance, that the Kentucky and Virginia protests were brought at length from their dusty archives, not for nullifying Federal supremacy alone, not for obstructing a tyrannous Congress, but to resist the enforcement of legitimate legislation, to rupture and break up the whole Union.

Seated once more at the Senate table upon which he officially signed on behalf of that body so many bills which he detested, but whose passage he was powerless to prevent, Jefferson, who had reached Philadelphia tardily this winter, watched the change of opinion which was now rapidly going on in the Middle States. While animating the growing sentiment against the Alien and Sedition laws, to the utmost, he courted the friendship of Gerry and other men of influence, who were out of favor with the administration party. The untractable temper of the dominant Federalists never showed itself more emphatically than in their persistent contempt of the petitions which now came in urging Congress to reverse that ill-chosen internal policy which so greatly disunited the people. Alarmed for his own section of the country, Harper, in the House, had proposed distributing 20,000 copies of the Alien and Sedition Acts, in the hope of proving these enactments better than they were commonly believed; but he was met by calls for printing the Constitution likewise, with its amendments, and Republicans and Federalists joined in voting him down. Upon the numerous memorials for a repeal, a select committee of the House, Goodrich at their head, made a report near the close of the session which refused to repeal, but defended the Alien and Sedition laws, on the ground, substantially, that they formed part of a system of defence well adapted to the crisis; alleging further, that liberty was not license, and as to aliens, such persons had no constitutional rights as citizens, but remained in the country only by favor. A party caucus of the House had determined to adopt this report without discussion; accordingly Gallatin, Nicholas, and Livingston, who spoke against it, were coughed down, or disturbed by unseemly conversa-

1799. Feb. 25.

tion and laughter; and without adjournment, the Federalists voted to adopt the report by 52 to 48, thus clearly committing themselves to the new policy.[1]

Of all the centralizing Federalists now suspected of making the Alien and Sedition laws a first experiment towards depriving States and the people of their reserved constitutional rights, none appeared more aggressive at this moment than the lately discreet Hamilton. Dazzled with the ambition of military dominion, he had dropped the seed of the Spanish invasion schemes where the soil seemed favorable,[2] and with a boldness which the hope of ultimate success must have winged upward, his rapid mind conceived wild plans of national reconstruction fit only for political dreamers, or else for an American dictator to execute with a host of bayonets behind him.[3] The session's proceedings, nevertheless, dragged heavily. The first act, which was intended to rebuke Logan's mediating efforts, did not pass

[1] Annals of Congress; Jefferson's Writings.

[2] See 5 Hamilton's Works, December, 1798, January, 1799; Letters to Gunn and Otis, chairmen of the leading committees in each House. "France," he says to the former, "is not to be considered separately from her ally. Tempting objects are within our grasp." To Otis he leads up less mysteriously. Probably verbal disclosures were made to others.

[3] See Hamilton's letter to Dayton, Speaker of the House, one of his present brigadiers, 1799. In this remarkable epistle, after anathematizing the attempt of Virginia and Kentucky to unite the State legislatures in direct resistance to laws of the Union, as an attempt to change the government, Hamilton urges that the supporters of the government (*i.e.* the Federalists) adopt vigorous measures of counteraction, to "surround the Constitution with more ramparts," holding, as they do at present, all the constitutional authority.

Among the measures he propounds at length are these: (1.) The extension of the Federal judiciary system so far as to subdivide each State into small districts. (2.) A regular plan of internal improvement of roads, etc., as a measure which would make the United States universally popular. (3.) The institution of a society with funds to encourage agriculture and the arts. (4.) A naval force up to six ships of the line, twelve frigates, and twenty-four sloops of war, but no larger; but as to the army, keeping our military to its actual footing at the present, *even though our differences with France should be settled*; organizing, too, the eventual army at once, establishing a military

until the end of January, and this made it a crime, punishable with fine and imprisonment, for any citizen, without permission of the United States, to hold correspondence with a foreign government or its agents with intent to influence public measures or disputes.[1]

French information alluded to in the President's opening message, and more particularly Gerry's later correspondence with Talleyrand, was anxiously awaited. But some six weeks passed before the latter documents were ready, although they had been lying since October in the State Department. Pickering, in fact, had been laboring, not to let the Gerry correspondence tell its own story, but to work it at discretion into a *résumé* of the French mission, spiced with his own piquant condiments, so as to heighten the war fever which a production of the documents by themselves might have alleviated. From Pickering's report the President struck out much of the offensive matter, particularly that which reflected upon Gerry;[2] but what remained, was

academy, and manufactories of every kind essential to the supply of the army.

He adds that he would also have an article added to the Constitution empowering Congress to open canals; another (which he admits would be dangerous to propose at this time) for facilitating the subdivision of the great States mainly at the discretion of Congress. The subdivision of the great States, which will always feel a rivalship with the common head, should, he thinks, be the regular policy of the Federal government. Lastly, he favors laws for restraining and punishing newspaper libels against government, not leaving such cases to the cold protection of State courts. "Why," he asks, "are not the renegade aliens connected with some of these presses sent away? These laws should not be a dead letter."

The above remarkable letter, in which Hamilton discloses his political theories very frankly, is to be found, not in a hostile publication, but in the authentic collection of his works, vol. vi, p. 383.

[1] Act January 30th, 1799. Logan's mission was the visit of a private citizen, acting purely upon his own responsibility, and making no false pretence of an official authority. He undertook no diplomatic negotiations, and only brought away private assurances of the Directory's good will. As Logan himself declared, his mission was his own, and no one else was concerned in it.

[2] "I am not going to send to Congress a philippic against Mr. Gerry," said Adams to Pickering.

sufficiently irritating in tone and temper, to give to the administration a warlike aspect.[1] Besides Gerry's letters were those of Skipwith, the consul-general at Paris, whose pacificating efforts with the administration on France's behalf were rewarded by a summary dismissal. Upon these communications, so tardily disclosed, the army and navy loan, and other warlike measures, which had hung fire, were now pressed forward, the Republicans calling attention in vain to the desire for peace that Talleyrand had manifested, according to Gerry's own narrative.

Jan. 18–21.

To add fuel to the flame, the President also communicated an *arret* of the Directory of October 29th, received through King, which declared that neutrals taken in the ships of their enemies would be treated as pirates. While the Senate was passing an act of retaliation, founded upon this information, the President received announcement that the *arret* was suspended; but this latter fact, for some reason, was not communicated, and the act was suffered finally to pass.[2]

Jan. 28.

Notwithstanding the fact that eight per cent. loans, an issue of treasury notes, a direct tax, and new stamp duties were the provisional expedients in contemplation for keeping up our new force establishment, Hamilton pressed Congress so earnestly to recruit and maintain the military establishment, which Adams had so constantly belittled in comparison with the navy, that Sedgwick called upon the President, while the Senate was preparing

Feb. 6.

[1] Pickering's report declared that in his opinion France was trying to fleece us. It closed with the reflection that France, surprised at America's bold stand and resistance, now cowers, and renounces some of her demands. "But I hope," he adds, "we shall remember that the tiger crouches before he leaps upon his prey." The Secretary betrayed his vanity for pungent composition, as well as a disregard of official decorum, by printing and sending to the leading Federalists copies of those portions which Adams had required him to omit. His rasping style of diplomatic correspondence had lately won him a toast from his admirers on the 4th of July, as one whose sword they trusted would prove as sharp as his pen.

[2] See Annals of Congress. But cf. 5 Hildreth, 282, which is not ingenuous on this point

an army bill, to ascertain his views at length. "If you must have an army," says Adams, "I will give it to you; but, remember, it will make the government more unpopular than all their other acts. The people have submitted with more patience than any people ever did to the burden of taxes, which has been liberally laid on, but their patience will not last always." This tone of speech surprised Sedgwick; but still more was he astonished, when the President asked him what additional authority it was now proposed to give the commander-in-chief. "None," he answered; "all that has been proposed is to give him a new title — that of general." "What!" broke out Adams, "are you going to appoint him general over the President? I have not been so blind but I have seen a combined effort among those who call themselves the friends of government, to annihilate the essential powers given to the President. This, sir," he continued, raising his voice, "my understanding has perceived and my heart felt." Sedgwick expressed his amazement, and with all humility prayed the President to mention the facts upon which he grounded so strange an inference. "If you have not seen it," was Adams's rejoinder, "I cannot properly go into the details."[1]

While the voice of the administration was publicly raised for war, and war measures were being driven through the national legislature by whip and spur in the closing weeks of the session; the opposition depressed, the country acquiescing, in utter ignorance of the personal feuds which had taken place among the chieftains of their cause, and while most, in and out of Congress, read the wishes of the administration by the lurid light solely which the President's Cabinet emitted; Adams suddenly and without a previous warning — the new line of negotiation thrown out from the Hague having been kept all the while concealed in his hand — sent to the Senate the name of Wil- Feb. 18.

[1] See 6 Hamilton's Works, 393. Sedgwick related this interview confidentially to Hamilton the next day. Hamilton had represented that militia could not be much relied upon, and that the force already ordered was not too large in view of possible internal disorders.

liam Vans Murray as minister plenipotentiary to the French republic. In the message which nominated, he stated that this minister will be instructed not to go to France without direct and unequivocal assurances from the French government that he shall be received in character, shall enjoy the due privileges, and a minister of equal rank, title, and power shall be appointed to discuss and conclude our controversy by a new treaty.[1]

This unexpected turn in events dismayed and divided the Federalists in both branches while their opponents exulted. Some Senators were for opposing Murray's confirmation, others knew not what to do. The nomination went over. Pickering and other cabinet officers, when called upon, professed utter astonishment as well as displeasure, saying that they had not been consulted in this new business. The committee to whom the nomination was referred concluded, therefore, to confer with the President, partly to draw out his motives, nor altogether without the hope of inducing him to withdraw the nomination altogether, or else modify it by substituting a new commission of three. Adams was baffling in his reply, lofty, and by no means compliant; but perceiving presently that a rejection of Murray (by no means a conspicuous character) was imminent, he privately procured a postponement of the adverse report which the committee had prepared, and in a new message withdrew the sole nomination, and sent, instead, the names of three commissioners, Chief Justice Ellsworth, Patrick Henry, and Murray. With this opportune play he won, and bitterly as the war Federalists in the Senate felt their humiliation, they confirmed the nomina-

Feb. 25.

[1] The occasion of this nomination appeared in a letter written by Talleyrand to Pichon, September 28th, 1798, communicated from the Hague by Murray, and recently received by the President, which approved the preliminary overtures made by Pichon, and in conformity with the President's own reservation in his war message of June, furnished assurance that whatever plenipotentiary the United States might hereupon send to France would undoubtedly be received with the respect due to the representative of a free, independent, and powerful nation. See p. 402.

tions, for any other course would have been ruinous. Not daring to confront the country openly as an implacable faction, as the persistent advocates of a French war, those who had sought to force hostilities trusted to opportunities which might yet arise for thwarting at some later stage the newly proposed mission.[1]

In taking this new and decisive step towards a renewal of negotiations with the French republic, Adams performed a plain duty he owed to the American public with an unflinching courage, which was the more truly admirable in that he had to cross thereby the wishes, and break loose from the well-laid schemes of the most talented and influential faction of his own party. It was the crown of his administration, that in dealing with France, whose great hero was engaged in subverting kingdoms and republics, he first sent out an embassy with full power to correct mischiefs whose origin antedated his Presidency, and then, resenting with spirit the affronts which that embassy encountered, forced the minister of the haughty republic to apologize as never to other rulers before; renewing a negotiation which in due time re-established friendship on the safer basis of neutrality. Never since has France provoked the United States to open resistance, nor assumed a right of parental discipline on the score of ancient benefits. Harshly as Adams was assailed by the blind guides of his party for permitting this diplomatic victory to be a bloodless one, he acted as the situation required. Jealousy of others, and irritation, may have lent him strength for rescuing the negotiation as it

[1] See Works of Hamilton, Adams, and Jefferson; 5 Hildreth. Murray's important correspondence will be found in 8 John Adams's Works, appendix. These dispatches, six in number, show that the Dutch minister at Paris proffered, but in vain, his good services at Talleyrand's desire, to procure a reconciliation; that to Talleyrand's own conciliating overtures to Murray the latter stated, through Pichon, that only a formal and explicit assurance would satisfy the American government, and that he would communicate any such assurance to the President, although he had no authority to intervene; and Talleyrand thereupon gave this written assurance. Murray's sixth dispatch, covering Talleyrand's assurance, was dated October 7th, 1798.

rose once more to the surface; nor, perhaps, was he the less strenuous, from a desire to put his house in order for the next Presidential election, to baffle the hopes of ambitious rivals, sweep out the military dictators, rid himself of Hamilton's recruiting sergeants, lessen the swarm of Wolcott's tax-gatherers, and draw the brands from beneath Pickering's hurly-burly pot. But, frantic and fitful as he might appear, the President, from his stronger sympathy with the disinterested American people, comprehended some truths more clearly than did the party chieftains: in the first place, that our differences with France, which involved neither rivalry nor disputed domains, could be amply composed by treaty arrangement; next, that the disposition of this government to concede all that France could fairly have expected, was already manifest in the instructions which our late envoys bore with them; lastly, that France was well convinced of this, and, regretting the late folly, was truly desirous of restoring harmony between the two republics, by yielding all that might be essential to this end in return. Unless this were so, the Directory would not have required the bland and self-justifying Talleyrand to hasten cringing, to the gate through which the ruffled envoys had filed out, and, cap in hand, invite their return. Negotiations, thus resumed, gave, therefore, every hope of a favorable issue. And once more, that the President's new course was not dictated by mere private motives, is shown by the decisive circumstance that those foreign arrangements which led to this new mission had proceeded at the Hague without the slightest direction on his own part; so that the only question to resolve was how to act, when Talleyrand had given substantially the assurance of becoming respect which the offended President had laid down, the previous June, as his ultimatum.

The only serious mistake Adams made at this time was in the method of making his new nomination, acting secretly, as though suspicious of all men. Necessarily he gave offence to the members of a cabinet whom he had consulted on preliminaries; a cabinet which, if not sympathetic or trustworthy, he ought rather to have reconstructed; and

worse still, by giving no warning, he encouraged the administration supporters in Congress to gallop so furiously in the direction of battle that the party was now thrown suddenly upon its haunches, and exposed to general ridicule, if not resentment. Not dissimulating, perhaps, his own belief that peace might ultimately ensue, he had, nevertheless, by his intemperate utterances, and still more by giving way to secretaries and subordinates for whose official behavior he stood answerable, deepened the universal impression that a conflict with France was inevitable. His present nomination showed the sagacious statesman and patriot, but the manner of making it was that of a misanthrope.[1]

Not to Washington himself, whose character, record, influence, and present military station entitled him to the chief consideration, had the President imparted his confidence in the momentous business, as he would best have done, and so cemented a personal friendship which constantly loosened through his discourteous inattentions. The ex-President had, indeed, but lately received from Mount Vernon a letter which covered a communication from Barlow, who, writing from Paris, emphasized the desire France cherished for peace, and suggested the appointment of another minister as a course not inconsistent with our

[1] Sedgwick angrily writes, February 19th: "Had the foulest heart and the ablest head in the world been permitted to select the most embarrassing and ruinous measure, perhaps it would have been precisely the one which has been adopted." Hamilton's Works. Pickering probably knew fully of the Talleyrand overtures; his natural course would have been to thwart such action as the present. The President was perhaps aware of this, and that the majority of the cabinet were of the same way of thinking. He probably felt that most of his advisers plotted against him; but one at least, Stoddert, and perhaps Lee, would have stood by him in making a nomination.

It appears that about January 15th the President asked Pickering to consult the other cabinet officers confidentially, and prepare the draft of a projected treaty such as might be acceded to if proposed by France; but that the course of the influential members was to secretly baffle him, while avoiding an open discussion. Perhaps Adams took offence at this uncandid behavior, and meant to repay them in their own coin. See 8 John Adams's Works.

national honor. In transmitting Barlow's letter, which Washington did promptly, with the statement that this was the only communication he had ever received from the writer, and that it must have been made with either a very good or a very bad design, he pertinently observed: "Should you be of opinion that this letter is calculated to bring on negotiations upon open, fair, and honorable grounds, and to merit a reply, and will instruct me as to the tenor of it, I shall, with pleasure and alacrity, obey your orders; more especially if there is reason to believe that it would become a means, however small, of restoring peace and tranquillity to the United States upon just, honorable, and dignified terms, which I am persuaded is the ardent desire of all the friends of this rising empire." This frank letter, coming at such a moment and tending to confirm his own opinions of French policy, must have found Adams engaged in a similar train of thought. Not, however, confiding his more important intelligence in response, nor using the sentiments of his predecessor, as he might have done, to disarm refractory opposition in his official household, the President stood out to sea alone, as though to assert his sufficiency for regulating foreign intercourse. But the day after he had nominated Murray to the Senate,[1] he informed Washington of what he had done, in a letter which seemed to disparage, as much as possible, his own good sense and foresight in taking the step; for disclaiming all regard for the Barlows, and the Logans, and this "babyish and womanly blubbering for peace," as he styled it, he declared his contempt for the political parties alike under our system, which, he says, embrace peace or war "when they think they can employ either for electioneering purposes."[2]

With suppressed emotions of rage and humiliation the administration majority in Congress dispatched the main business of the session in the few days which remained, holding a night session finally so as to adjourn on Sunday morning, March 3d. As no sign had been given by the

[1] February 19th.

[2] Adams's and Washington's Works, 1799.

President for relaxing war preparations, but rather the reverse, Congress provided liberally for the army and navy, increasing the latter by six ships of 74 guns and six sloops, and promulgating a code of naval regulations.[1] The retaliation bill against France was also passed.[2] Thirteen million dollars were deemed requisite for the lavish expenditure of this year. And, as if to flout the public, already displeased with the treatment of their alien and sedition petitions, and soon to feel the weight of new taxation, the administration party took this unsuitable time to raise quite liberally the salaries of the department heads and other high officials,[3] a common indication, in a government like ours, that the ruling set has soared beyond a sense of immediate responsibility to the people. Economy and the husbandry of resources were not among the cardinal virtues of the Federalists in these their latter days.

Section II.

PERIOD OF SIXTH CONGRESS.

March 4, 1799 — March 3, 1801.

Once more the President provoked censure and fostered the cabals which were spreading over his administration, by hastening home as soon as Congress had adjourned, like a school-boy dismissed for the holidays. On his farm he now remained from the first touch of spring until mid-autumn, enjoying that domestic seclusion in which he found his happiest relaxation from the cares of state, and the society of a spouse, loving and accomplished, who served, through a long public career, as his most confidential adviser. But the strength of these family ties, an admirable proof of his virtue and constancy, proved an impediment to his official progress. To a personal friend who now sent a decided remonstrance against his being away so much of

[1] Acts February 25th, 1799; March 2d, 1799; March 3d, 1799.
[2] Act March 2d, 1799.
[3] Act March 2d, 1799.

the time from the seat of government, and cautioned him against trusting too much to the public impression made by his subordinates,[1] Adams responded in an overconfident strain: the "public sentiment" he disdained; all the public business went on well through the mails, he said; his wife was better now but still delicate; and he administered the government at Quincy as well as he could have done at Philadelphia.[2] But Adams was much mistaken. Upon department officers of moderate capabilities, whose ideas ran often counter to his own, men, whom he had lately offended by reserving his confidence from them, and in whom the country reposed no especial confidence, he still placed unusual responsibilities at a critical period, and made their tasks the harder while setting the bad example of taking his own ease. Dispatch was impossible. His approval or disapproval, even in diplomatic affairs, or of the army and navy arrangements, would often be in a sketchy and uncertain way, or upon a necessarily imperfect knowledge of facts. So, too, long delays of the mail occurred, involving perhaps some new development of the affair submitted to him. Hence it was not strange if misunderstandings occurred, or that cabinet officers, left in a quandary, would carry things their own way instead of committing new facts or rearguing a doubtful point.[3] The more the President relaxed his own influence, in fact, the more did the Cabinet majority succumb to the master-spirit of Hamilton, who had already, as inspector-general, found opportunity for pervading the departments. Washington when President, though frequently away, was more constantly at or near the capital than Adams, and made of his

[1] Uriah Forrest wrote, April 28th, 1799: "The people elected you to administer the government. They did not elect your officers, nor do they (however much they respect them) think them equal to govern, without your presence and control."

[2] 8 John Adams's Works.

[3] As an instance in point, see 8 John Adams's Works. Propositions were signed by all the Cabinet relative to St. Domingo, and mailed to the President; he demurred to one point in a suggestive way, referring the decision to a certain officer; but that officer had gone, and so Pickering with the consent of his colleagues took his own course.

absence a fit occasion usually for studying the people of certain States, or for transacting some distant administrative business, instead of playing the truant.

The President had, with the assent of the Senate, empowered King, our minister at London, to treat with Russia, and Smith, at Lisbon, with Turkey. From the expected negotiations with these enemies of France nothing, however, resulted. A consul-general was appointed to represent the United States at St. Domingo, where Toussaint held the French portion of the island, and was still extending his conquest over the Spanish part, in the course of a fierce struggle between the mixed and black races. Both Spain and Great Britain had by this time given up the hope of conquering the island of St. Domingo; but the latter government now proposed a joint commercial arrangement with the United States for keeping Port-au-Prince their sole port of entry. This project did not please the President, who approved of consulting Great Britain, but at the same time keeping disjoined from her schemes. The idea of the administration in sending a consul-general appears to have been to silently encourage Toussaint's independence of France, while not committing the United States openly to it.[1] But Toussaint, acting as an independent chief, acknowledged, nevertheless, the nominal authority of the French republic. April–June.

Adams's marked aversion to military expeditions and to whatever might work into a joint alliance with England, proved quite disconcerting to those who were deepest in the Miranda project. Minister King, writing to Hamilton from London in the winter, showed the greatest anxiety to have an American army raised and operating, lest France should forestall action by securing a peaceful settlement. Once more, in the spring, ignorant that new plenipotentiaries had been appointed to France, King expressed his surprise that the President had Jan. 21. March 4.

[1] See 7 J. C. Hamilton's Republic; 5 Hildreth. This, at least, was the policy of Hamilton, whom Pickering had secretly consulted upon the appointment of a minister.

not disclosed his sentiments on the Miranda expedition, though the subject had been treated again and again in his own dispatches. Hamilton, still sanguine of the enterprise, might, as late as June, be seen uncurtaining this mysterious invasion, by way of inducing McHenry to urge in his official capacity, upon the reluctant Adams, the completion of our provisional land forces; in aid of which scheme he proposed further a mutual consultation by the Cabinet.[1] It was galling, surely, that one of his active mettle, seeking glory and immortality from the swift occasion, should be longer confined to this miserable discipline of a skeleton army of home-guards, and dissipate his zeal in regulating the length of step, the form of pay-rolls, and all the worthless millinery of uniforms and gilt buttons; with no bloodier work on his hands than that of court-martialling and sentencing some poor private for deserting the muster ground.[2] Languor, indecision, discord, and useless expenditure ruled in the War Department; line officers drew their pay and did little else.

June 27.

But Adams heeded little as ever the ambitions of an army or of epauletted officers. The Miranda expedition he silently discountenanced from the first, and in the speedy course of events it went to the limbo of disappointed hopes. McHenry's intervention on Hamilton's behalf won him only a Presidential snub for magnifying his office. Wolcott, straitened for funds, had shown the President there would not be money enough in the treasury to support both an army and navy increase, and as between the two arms of the service the President's preference was unequivocal. The first encounter between French and American naval vessels had taken place in the West Indies[3] before the new envoys were appointed; and news of our victory reached Philadelphia shortly after the adjournment

July.

[1] "Besides the eventual security against invasion," he says, "we ought certainly to look to the possession of the Floridas and Louisiana, and we ought to squint at South America."

[2] See facts in the sentence of Richard Hunt, a soldier. 8 John Adams's Works.

[3] February 9th, 1799; 5 Hildreth, 304.

of Congress. The *Constellation*, which was the flag-ship of Truxton's squadron in that neighborhood, after a three hours' chase, closed with *L'Insurgente*, and in a sharp fight of an hour and a quarter, compelled the French frigate to strike her colors. For his gallantry in a later engagement, Truxton presently received from Congress a gold medal.[1]

The great body of the Federalists, North as well as South, approved the President's course in concluding, upon Talleyrand's new assurances, to send another commission to France, being unaware that a division had occurred in the party councils. Nor were they desirous of having the army augmented so long as no danger of immediate invasion appeared. Among those who expressed a decided commendation of the mission were Marshall and Knox; Lafayette, to whom Napoleon had shown recent favor, rejoiced at it; and Jay, though doubtful of such a policy, advised an adherence to the President for the sake of harmony.[2] But to Hamilton, to the British inclined, and to a powerful faction at the eastward in particular, whose operation upon the Executive was through the Secretary of State and their own delegations in Congress, a narrow and intolerant policy seemed the true one; they wished Jacobinism at home crushed out by the strong arm, and as to France, any treaty with her was to be shunned like the league of Mephistopheles.[3] Some of these would gladly have seen America make a common cause with England; while others stopped at the wish to avoid offending her by entering into any negotiations of which that nation would disapprove. To this set belonged most of the prominent leaders in Massachusetts and Connecticut.

Talleyrand gave the specific assurances of good treatment requisite under the conditions stated by the President in appointing the new embassy; whereupon Adams

[1] See 5 Hildreth, 358, as to the pursuit of a French frigate, La Vengeance, February 1, 1800.

[2] 8 John Adams's Works; Jay's Works.

[3] Fisher Ames's Works, 1799. "Behold France," writes Ames as Laocoön; "that open hell still ringing with agonies and blasphemies."

directed that instructions should be given for the envoys to depart. Patrick Henry declining to serve, William R. Davie, the Federalist governor of North Carolina, had already been selected in his stead. The baffling purpose of the Cabinet, where Pickering appeared the ruling spirit, had been variously shown, as in the Secretary's quibbling comments upon Talleyrand's language. But the news now arriving that the French Directory had been newly reorganized by the dismissal of Treilhard, and the forced resignations of Le Peaux and Merlin, this was hopefully seized as a last rope by the obstructionists. Accordingly, in view of the instability of French affairs, Pickering earnestly advised the President, on behalf of the Cabinet, to have the mission temporarily suspended; and though sending by post the draft of instructions which he had prepared by the President's command, he followed this by a secret effort with his friend Cabot to force the President to decide upon a suspension.[1] Cabot, who had been endeavoring to reconcile Adams, during the summer, to the British wing of the party, observed with dismay that the President's old jealousy of Hamilton was restored with tenfold force, and that he distrusted Pickering, Wolcott, and all censurers of Gerry.

May 5.

Aug. 9.

Sept. 11.

Not even King believed that the French republic would be overthrown by the new change in the Directory, nor the foreign policy of that country seriously affected; as Adams himself suggested, there might be an advantage in having our new envoys on the spot, even supposing a monarch were restored; and all signs indicated that the present opportunity was most favorable for negotiating a treaty. On the other hand, as Pickering well apprehended, a few weeks' delay in sending the envoys would necessitate postponing their voyage to the following spring, in which case there might be a collapse of the whole business and utter failure.

But the Pickering influence, sinister though it was, and

[1] See 8 John Adams's Works; Cabot's Life.

reinforced by Hamilton's advice, extended only to the majority of the Cabinet; to Wolcott, McHenry, and the Secretary of State himself. Lee and Stoddert were against so hazardous a step at this time as suspending the mission. The latter of these officials, quite displeased with the plots which were now forming, hinted to the President quite broadly that he ought speedily to return to the seat of government. This proving insufficient, Stoddert wrote again more explicitly, to say that all solemnity, as he thought, ought to be given to the question; and that the President could act better when surrounded by the officers of government. Pickering, he added, was likely to prepare the letters of instruction with too much acrimony, and there was fear that artful and designing men would use the President's absence for making his re-election doubtful.[1] Aug. 29. Sept. 13.

Adams's jealousy was fully aroused by Stoddert's second letter; and he prepared upon receiving it to set out for Trenton,[2] which was now the Cabinet headquarters. Predisposed, but not predetermined, upon the course to pursue, he held his judgment in suspense as requested; and notifying the department heads to let the mission question stand until his arrival, he so flattered the hopes of the anti-French junto, though undesignedly,[3] that they ap-

[1] 8 John Adams's Works. In the letter of September 13th, Stoddert significantly states it as his own opinion, that we have a right to make peace with France without England's permission.

[2] On account of the prevalence of yellow fever in Philadelphia, the Executive heads had moved their offices temporarily to this place.

[3] In order to charge Adams with dissimulation of his real intentions at this date, a letter has frequently been referred to, which he wrote September 22d, to Ellsworth, and which, in language, admits it likely that the mission may be postponed on account of convulsions in France. This letter was meant probably to indicate no more than the actual suspension of his own decision on the subject, though literally expressed more strongly. But a strange use was made of that letter (which Ellsworth perhaps had elicited with the approval of officials in the Cabinet), and certainly beyond the President's possible intent of producing any misconception. For Ellsworth at once wrote to Pickering, September 26th, quoting the President's language; whereupon, Pickering, while expressing wrath, that Adams should not have first

peared sensibly flushed on his arrival, as though the President had already succumbed to their influence. What Adams saw, however, on his arrival must have confirmed not alone the impolicy of suspending the mission but his suspicions of Cabinet infidelity as well; and the inopportune appearance of Hamilton and Ellsworth on the scene, as though they had come all the way to Trenton to tutor the chief Executive, fixed his determination to teach his unruly subordinates a lesson. Calling his Cabinet together on the evening of October 15th, he went over the instructions with them and had them finally settled, as by general assent, near midnight. Soon after daybreak the next morning, though he had given no previous indication, the night before, that the instructions were likely to be issued for the present, nor asked Cabinet advice at all on the all-important point of suspension, he sent official orders to Pickering for the envoys to depart immediately.[1]

Oct. 14.

Oct. 15.

Oct. 16.

confided the postponing intent to his Cabinet, communicated the good news exultingly to Cabot, September 29th. The wishes and hopes of the Cabinet clique against whose enmity Stoddert had warned Adams, led them to treat the letter to Ellsworth with as much consideration as though he had addressed the Secretaries officially to this effect.

Ellsworth is not to be censured for interfering with the dispatch of the business in which he was commissioned; but he dreaded the voyage, and was quite indifferent as to the purposes of the French embassy. Adams expressed to Pickering, himself, his *doubts* as to whether the envoys would be sent off hastily; but otherwise indicated no intention to suspend. 8 John Adams's Works, 1799, September.

[1] See 7 J. C. Hamilton; Gibbs's Federal Administrations; Cabot's Life; 8 John Adams's Works. We have here given the theory of John Adams's conduct which seems most reconcilable with the whole testimony and surrounding circumstances. It is highly probable that Adams left for Trenton without having decided positively whether to send the envoys or not; for otherwise, he certainly deceived Ellsworth and members of the Cabinet without apparent purpose. But that he was predetermined by the time the Cabinet meeting of October 15th assembled is quite in accordance with the facts and with the opinions of his Cabinet officers. What had influenced him may be left to conjecture; but a clear knowledge of the intrigues Stoddert had intimated would well enough suffice. Stoddert wrote in 1809 that he was of the

Foiled a second time with their own weapons, and at the very moment when they believed the thread of the mission project had snapped asunder, the inner marplots of the administration now dispatched the doleful tidings to the outer ones whom they had misled by their own overconfidence. "The die is cast," writes Pickering; "the envoys go to France, or rather to Europe, to see if they can enter France;" and he announced the slight the President had placed upon his Cabinet.[1] "Thus are the United States governed," said Wolcott soon after, "as Jupiter is represented to have governed Olympus."[2]

Hamilton, who appears to have had a fruitless interview with the President at Trenton, for the purpose of dissuading the departure of the envoys, poured out his own disappointment upon Washington, from whose confidence, however, he still withheld the Miranda project; and he sought to inflame against Adams the resentment of his commander-in-chief. "I hope," he gravely added, "that the President's decision may not, in its consequences, involve the United States in a war on the side of France with her enemies."[3]

The enraged secretaries were only restrained by motives of self-interest from tendering, as they should have done,

impression Adams did not consult him about sending the envoys, but did not feel positive. See Cabot's Life. Neither Stoddert nor Lee appears to have felt aggrieved at Adams's sudden action. It is said that Hamilton's inopportune presence at Trenton was on military business.

[1] Pickering to Cabot, October 22d, 1799; Cabot's Life. It is here shown that one plan for thwarting the mission had been to persuade Ellsworth to decline. But this, Pickering concluded, was useless, for then the President would put some such man as Madison or Burr in Ellsworth's place.

[2] Wolcott to Cabot, November 4th, 1799; Cabot's Life.

[3] Hamilton's and Washington's Writings, 1799. It is not easy to suppose that one of Hamilton's keen vision seriously feared any such consequence as he here expressed, but rather that the mission would accomplish its work. His private advices from King assured him already that the recent changes in the Directory would prove no serious impediment to the mission, and that a fair treaty with France was easily attainable.

and as the country would readily have borne, their instant resignations. Submitting, however, in silence to their chief's command, as necessity compelled, they failed to comprehend that their omission to make some such open and solemn protest bound each in honor to accept the discipline, and by better constancy in the future make amends for the past. On the contrary, indeed, Pickering, Wolcott, and McHenry now undertook to revenge themselves upon Adams, by procuring some candidate to supplant him at the next Presidential election. By their ignoble continuance in place they hoped to accomplish this the easier.

The President's final determination to send the envoys accorded not only with his policy in first appointing them, but likewise with the just expectations of three-fourths of the Federalist rank and file, and with the general sentiment of the country. Foreign news confirmed the wisdom of such a proceeding; France herself might fairly complain if mere dilatoriness were suffered to retard the negotiation; and only they who were stubbornly bent on defeating pacification at all hazards, could have asked him to so stultify himself as to yield to their wishes.

The high horse the ruling party bestrode threatened at length to cast it. Of the approaching catastrophe, and of popular uneasiness under discipline, the first warning came from the middle section of the country; and simultaneously with Adams's arrival at Trenton [1] occurred the State election of Pennsylvania, whose issue placed the Republican candidate, Chief Justice McKean, in the governor's chair as the successor of Mifflin, who, having served a third term, was no longer re-eligible. McKean's Federalist com-

[1] In 7 J. C. Hamilton's Republic, the ingenious theory is put forth that John Adams waited at Trenton for news of this election in order to determine whether to send the envoys or not, and that his decision proceeded upon receipt of the adverse news. But no suggestion of this kind appears in the contemporary writings of those concerned in the matter, and it is questionable whether the decisive results in Pennsylvania could have been known at Trenton within four days after the election.

petitor, Senator Ross, received the votes of the administration party; but McKean swept the State, after an energetic canvass, by some five thousand majority. Native Americanism, which had now entered into the creed of the Federalists so fully, did their cause the chief mischief; for foreign-born and naturalized citizens, the Germans, Scotch, and "wild Irishmen,"[1] all rallied to the opposite side, where alone their just rights were promised consideration. Oct. 10.

This Pennsylvania election was understood to have an important bearing upon the Presidential canvass, in whose anticipation both national parties were already laying their plans. New England appeared almost a solid column for Federalism; and in this quarter, despite the wishes of political leaders, the personal popularity of Adams was so great, that the attempt to make his sixty-fourth birthday[2] an occasion of public rejoicing, proved, in the leading towns, a demonstration by no means feeble; that particular season of the year being, however, quite unfavorable for national festivities such as had attended the 22d of February.

The South had always been the seat of the national opposition party, yet here the Republican phalanx was not so compacted but that the administration, with Washington's influence combined, might hope to penetrate it. Indeed, Virginia, the strong citadel of Jeffersonian ideas, had been earnestly canvassed for the Federalist cause in the spring of 1799, Washington throwing himself into the contest with the new-born ardor of a political champion. Prevailing upon Patrick Henry to run for the Virginia House of Delegates, the ex-President saw him successful; and he rode ten miles on election-day to cast his personal ballot for the Federal Congressional candidate in his own district. Henry, who had become wealthy in late years, was

[1] The expression of "wild Irishmen," at this time quite prevalent in politics, appears to have been borrowed from a speech made by Otis, in the preceding Congress, which called out newspaper comment.

[2] October 30th.

fully converted ere this from his anti-Federal ways; but the strange mission of a Federal proselyte was denied him, for his race was run, and he died [1] before the Virginia legislature met, and months earlier than the French embassy sailed, upon which he had in declining health refused to serve. Out of nineteen members elected to Congress from Virginia, the Federalists chose eight, including Henry Lee and John Marshall, men of rising renown. In other Southern States they succeeded even better, carrying seven Congressmen out of ten in North Carolina, five out of six in South Carolina, and the two of Georgia. The Southern Federalists thus advanced to national honors were, however, of a milder type than those in New England, John Marshall being the greatest of them; and they supported the President's spirited defence of America's neutral rights, and were Federalists in that sense rather than as supporters of the late proscriptive measures towards aliens and American citizens.

Time was already dissipating the first illusions of patriotism, however, in this section as elsewhere; for, as Jefferson said, "the body of the American people was substantially Republican," only men's virtuous feelings had been played upon.[2] The great Middle States, after all, where the oppressive hand of government was most felt, would most likely determine in a Presidential contest which otherwise promised to be quite evenly balanced. Virginia's hopeful child, Kentucky, stood firmly by her, supplying, in a measure, the place from which North Carolina, since their audacious protests, had dropped out.

During the recess of Congress the Fries riot had been one of the first popular manifestations of dissatisfaction with the internal measures of government. In three counties of Eastern Pennsylvania, the Germans so strenuously resisted the officers who came to measure windows preparatory to levying the new direct tax upon their houses, that Federal warrants issued, upon which some thirty of the

March.

[1] June 6th, 1799.

[2] See Jefferson's Works, March 12th, 1799.

rioters were apprehended. But an armed rescue was made in the village of Bethlehem by a party of horsemen. Disturbances followed, to which the President's proclamation, followed by a slight military demonstration, put an end. Fries, the ringleader in the rescue, was arrested and tried on a charge of treason; and upon his conviction, the first of the kind in our history as a nation, Pickering and others urged that a stern example be made by his execution. While the President deliberated, a new trial was granted upon evidence produced by Fries's counsel, which showed that one of the jury before the impanelling had expressed a vindictive opinion.

March 12.

May.

The prosecution of Fries and his companions, several of the latter being brought in guilty of misdemeanor, inflamed a large German element of the Pennsylvania population, hitherto peaceable enough. These persons resented the legislation which had provoked the whole disturbance, and the ill-treatment which, by exaggerated report, the soldiery detailed to make the arrests had bestowed upon the rescuers and their friends. The *Aurora*, and a German newspaper at Reading, charged the officers and men with living on the inhabitants at free quarters, and chaining prisoners so that their wrists were worn with handcuffs. In return for this the editors were thrashed by young officers deputed to punish them; but this served only to aggravate the complaints. Duane commenced a civil suit for damages against the son of Chief Justice McKean, who appears to have been one of the castigators.

Numerous prosecutions were commenced about this time under the Sedition law; and the trials which most attracted notice extended into the summer of 1800. To the political sharpshooters a paper so ably and fearlessly, not to add abusively, conducted as the *Aurora*, must have been a shining mark. This newspaper was aimed at by the proposers of the act; and, indeed, its printer had been arrested for libelling the President, Congress, and officers of government, on a warrant prematurely issued from the Federal District Court before the Sedition

1799–1800.

1798. June.

law actually passed. Pickering, who urged the President to banish Duane as an alien and forcibly suppress his newspaper, had at length the satisfaction of seeing this obnoxious editor regularly indicted for publishing seditious libels. But one of the counts against him relating to the charge which his press had made of persons under British influence, Duane's counsel was about to produce in his justification a curious letter written by Adams to Tench Coxe in 1792, which made spleenishly the same charge with reference to Pinckney's mission to England, when the district attorney, rather than embarrass the Chief Executive by suffering such a disclosure, abandoned the case. It fared harder with Holt, the publisher of an opposition newspaper at New London, Connecticut, who, for a libel tending to defame the President and to discourage enlistments, was sentenced to three months' imprisonment and a fine of $200.

1799.

Several of the Federal judges at this time, as well as certain who presided in the State courts, were aristocratic, and of crabbed or insolent manners. Samuel Chase, of Maryland, made himself solely odious among the associate justices of the Supreme Court by his harsh and irascible behavior in these government prosecutions. A capable lawyer, energetic, intrepid, and industrious, Chase was nevertheless too ardent a partisan by training and temperament, and too domineering, to preside suitably over such trials. A cowl does not make a monk, nor a black gown a judge; and Chase went rampant on his spring assize, trying the important offences committed within his circuit more like a frocked politician who seeks revenge than the minister of law and justice. His present zeal, too, for the new bulwarks of central authority contrasted strangely with his earlier anti-Federalism, and the vehemence with which he had opposed in his own State the adoption of our Constitution. He ranted before grand juries as though in some mass meeting.

Thomas Cooper he tried with some show of fairness. This English barrister, out of favor at home for his liberal opinions, and "a learned, ingenious

1800.

scientific, and talented madcap,"[1] had persuaded the spotless Priestley and others oppressed at home to migrate with him to the land of freedom. He was now indicted for an article which animadverted upon the public acts of the administration; a publication by no means indecent, but which, partly perhaps because he indiscreetly chose to conduct his own defence, cost him six months' imprisonment and a fine of $400.[2] Fries, on a second trial for treason, was more severely dealt with by the court; and Chase, having so browbeaten the prisoner's counsel that they withdrew from the case, procured a verdict of guilty, which, upon the court's view of treason as distinguished from a riot, was, perhaps, inevitable. Against the wishes of his Cabinet and other prominent men of his party, however, Adams pardoned Fries, together with two others convicted of the same offence, and by an act of humane clemency, which caused no detriment to the government, saved from the gallows the only American citizens ever yet sentenced for treason.[3]

Passing from Pennsylvania to Virginia, Judge Chase, while at Richmond, procured by harsh means the indictment of Callender, who now resided there, for certain passages which appeared in his electioneering pamphlet, known as the *Prospect Before Us*. Callender was defended by three

[1] Thus John Adams called him in later life. See 6 Jefferson's Writings, 173. Cooper's Information had induced emigration. See p. 239.

[2] Cooper applied in vain to the President for an office, and afterwards became an active supporter of McKean in the Pennsylvania State canvass. The article in question charged the President with unbecoming violence in his official communications. In defence Cooper relied upon published extracts from the President's addresses; but these extracts were ruled out as inadmissible, because unauthenticated. Cooper had applied to the President for authenticated copies, but the information was declined by the Executive.

[3] Hamilton and his set attacked Adams for pardoning Fries, which they ascribed unfairly to an inordinate craving for popularity. Fries afterwards opened a tinware store in Philadelphia and settled down to a respectable life, acquiring a good fortune. See 8 John Adams's Works.

young men, one of them the later renowned William Wirt. Chase at this trial was so domineering that Callender's counsel threw down their briefs, as those of Fries had done, and walked out of court. Callender, being found guilty, was sentenced to nine months' imprisonment and a fine of $200, and was required, besides, to give securities for good behavior.

A more extraordinary opening of a Presidential canvass than Chase's circuit of 1800 was never known in this land of free speech. The trials of Cooper and Callender were about the last which occurred under the Sedition Act, of which there were some six in all. A number of prosecutions were instigated, however, which never reached trial. It is observable that in more than one instance the difficulty of alleging the truth in defence was enhanced by the impossibility of compelling the Executive to lay open the archives. Cooper and Lyon, if not others, were probably punished by the Sedition machinery for other affronts they had committed which could not be avenged in the courts. There were prosecutions in State courts under the common law, besides, of the alleged libellous language of political sheets.[1] And thus did men in high station seek to vindicate their public conduct, respecting not the judgment of the public deliberately formed, so much as a muzzled and indiscriminate approval given *ex parte*. But while they pursued an offending bee the hive was knocked over, and they were stung worse than before. Let the American statesman in this out-of-doors government of ours pursue his steadfast course, clad in a tegument tougher than bull's hide, or else trust his defence to the press when the press attacks him, confident that in either event public opinion, which seeks the honest truth, will sooner or later do him justice.

At whatever point the authors and zealous promoters of the Sedition law and sedition prosecutions meant that pun-

[1] Thus Hamilton had Greenleaf, in New York, prosecuted for alleging in his paper, doubtless falsely, that Hamilton had tried to bribe the widow of Bache to discontinue the Aurora.

ishment for opposing government measures, directed by proper authority, and trying to bring the President into contempt or disrepute, should cease, they evidently did not consider themselves debarred from thwarting President Adams when his executive course in foreign affairs interfered with their own designs, nor from combining to displace him from power as a vain, frantic, and obstinate man, now that he had succeeded in thwarting them. The Cabinet malcontents were already stirring up their friends to believe with them that unless Adams withdrew his name from the approaching national canvass a defeat of the party was inevitable.[1] 1799.

The first secret cabals of the discontented contemplated bringing out Washington again for a third term.[2] But the magnanimous soul which never could have stooped to the base uses of any party faction for a party emergency sped the scene whose sorest need of his service had vanished. Death sent a sudden shaft to the heart which calumny had so long assailed in vain; and scarcely had a new Congress convened and organized before the two houses were called upon to pay their last public honors to "the man, first in war, first in peace, and first in the hearts of his fellow-citizens."[3] It has been the posthumous distinction of Washington to retain that first place, and to enjoy the name and fame of patriot father in each succeeding lustrum of American history, besides a world-wide renown beyond that of all others ever born, reared, and educated on American soil — a soil which was the sole arena of his life achievements. His eulogy was the grief of united millions, who had gradually become impressed by the beauty of a life devoted to their welfare, and who learned at last to realize that wherever and whenever party issues might 1799. Dec. 14.

[1] See Wolcott, November 9th, 1799; Pickering, October 22d, 1789.

[2] See 3 Sparks's Morris, 123.

[3] The well-known phrase used in Henry Lee's funeral oration, which was presently delivered, by arrangement, before the assembled Congress, varied but slightly the language above quoted, which appears in the resolutions offered in the House by Marshall, December 19th, when the news of Washington's death reached Philadelphia.

touch him, the ether Washington breathed was always that where "eternal sunshine settles." France and Napoleon paid tributes to his memory not less touching than Great Britain. But unlike the rising Corsican, Washington stood securely on his pedestal as one who had subserved the cause of liberty always, instead of bringing liberty to subserve his private ambition. For one of the world's genuine heroes, his fame was well bestowed. Unlike Epaminondas, he left behind him a unity of States, too firmly compacted to perish with himself; nor did assassination deprive him of the sweets of public gratitude as it had the great Orange. Rewarded in the declining years of his life with a popular confidence like that bestowed in a more primitive age and a narrower circle upon Timoleon of Syracuse, Washington gained from posterity a renown which in later times has been most happily epitomized: "The greatest of good men, and the best of great men."[1]

The first session of the Sixth Congress, which, moreover, was the last ever held at Philadelphia, extended from December 2d to May 14th. For the first time since 1793 there assembled in both houses a decided Federalist majority; so heterogeneous in its composition, however, that strong party measures were not likely to be so readily carried as in the preceding Congress.

1799–1800.

The change of the political atmosphere was greatest in the House. Here New England Federalism appeared once more, solid and unyielding, many of its prominent exponents, like Otis and Sewall, of Massachusetts, and Griswold, and Goodrich, of Connecticut, resuming their seats. Bayard, of Delaware, returned; also, Harper and Thomas Pinckney, of South Carolina. But from the southward appeared also a large number of new men, chosen, as we have seen, because of their moderate principles, in districts hitherto claimed as Republican, and, although reckoned party Federalists, by no means pledged to the system

[1] This pregnant phrase is to be found in Edward Everett's Life of Washington.

of the late Congress; and these looked to John Marshall, one more of Virginia's great sons, whose eminent talents and virtue, together with the President's manifest favor, marked him as the administration leader in the new House. While Republicanism had thus balked in the South, it pulled harder in the Middle States, both New York and Pennsylvania having sent an anti-administration majority, and opposition principles gaining ground both in New Jersey and Maryland. Livingston and Gallatin were back; likewise Samuel Smith, of Maryland, a man long conspicuous in the public service. Upon a body thus composed, and with a most dubious Presidential contest approaching, it was not strange that the stern anti-Jacobin leaders looked distrustfully. The Senate, on the other hand, though receiving some fresh accessions, as in the fair-minded Samuel Dexter, of Massachusetts, Dayton, the late Speaker of the House, Gouverneur Morris, of New York, Baldwin, of Georgia, and Charles Pinckney, prominent in the Convention of 1787, and lately governor of South Carolina (the last two of liberal politics), had by no means forfeited the character which its two-thirds vote for the harshest measures in the preceding Congress established; and firm, arbitrary, intolerant, utterly defiant of the public wishes, its grim majority did the administration all the mischief possible by their arbitrary proceedings.

The present House organized by choosing as Speaker Theodore Sedgwick, of Massachusetts, who had left the Senate in order to resume a seat in the popular branch. His competitor, Nathaniel Macon, of North Carolina, a member of growing influence and experience in Congress, received but six votes less.

The most remarkable of the new members of this Congress made himself and his oddities known to the country quite early in the course of the session; a beardless youth, of tawny complexion, with a piping voice, a small head, black and piercing eyes, and a figure which, because of legs proportioned to the body like a pair of tongs, looked slight while he was seated, but upon rising drew up to a stature of nearly six feet. This was a Virginian and a member of

the House, John Randolph of Roanoke, as he was wont proudly to style himself; a politician hitherto unknown to fame, but destined to enliven the proceedings of Congress for the next quarter of a century by his eccentric manners and strangely fascinating style of oratory. In public speaking Randolph excelled in stinging and saucy invective, which not unfrequently became personally insulting to the last degree, for he was a respecter neither of man nor place; but at times he seemed borne upward in a wild strain of passionate eloquence. His style was entirely unique, bespeaking a nimble wit and the more solid accomplishments of a scholar, and of its kind unrivalled at the Federal Capital; the manner of delivery, moreover, was heightened by the speaker's masterly contempt of proprieties, and by his strange voice and looks, together with his peculiar gesture of pointing a long, bony finger at the object of his sarcasm. Aiming at this time to become the Republican leader on the floor of the House, though one of the youngest members, he proved in his long career exceedingly freakish as a politician, and in the main true to no party but himself. With a pedigree which, as he boasted, came from Pocahontas, he seems to have taken a touch of Indian treachery and dark reticence of purpose into his nature; and, left as he was an orphan while young, having no strong domestic ties, inheriting a plantation which he had brought to a high state of perfection by his own prudence and good management, he already felt so sovereign and selfish an independence that, disdaining peers and aristocratic acquaintance, he condescended to a patronizing but not ungentle interest in American democracy.

The first noticeable appearance of this shrill boy, as the stranger appeared to be, was in a House debate, where he astonished decorum by styling our new army and navy officers with sublime effrontery as "a handful of ragamuffins" who were eating up the people's substance under pretence of protecting them from their foreign foes; which epithet getting currency, some young officers showed their displeasure soon after at a theatre where he attended by jostling him and making unflattering allusions, loud enough for him

to hear. Randolph sent a letter to the President, imperiously demanding that this insult to the independence of the legislature be redressed by the Executive; but Adams very sagaciously referred the communication at once to the House, that this body might judge of its own breach of privilege; and much to Randolph's discomfiture, who was thus compelled to see an investigation commenced which elicited no testimony of consequence, the trivial affair ended by the acceptance of a report that further action was unnecessary.[1] Mortified as he felt, the whimsical phrase and the encounter together, which were widely published, made Randolph from that hour a national sensation.

Long as the present session lasted, the business transacted by actual concurrence of the two Houses was quite scanty. The only recommendations of consequence contained in the President's message were: (1) To extend the Federal judiciary system; (2) to persevere in the system of national defences already begun; and to these same points Congress gave special attention.

(1.) It was becoming patent, and the great State trials, which we have already described, were soon to confirm the conclusion, that the Federalists, as a party, meant to stand upon the encroaching policy, so offensive to States and the local courts, of using the judicial machinery of the Union to the utmost, for compelling general submission and punishing political offenders. The Sedition law by its own terms necessarily expired in another year, and Marshall and the moderate Southern wing of the Federalists made laudable effort in the House to procure an immediate repeal. But their ultra associates were inexorable. Once more did Congress elect to stand inflexibly by that law; the Northern faction purposing furthermore, that the common law should perpetuate the main offence and the jurisdiction, after the Sedition Act expired.[2] Jan. 1800.

[1] Annals of Congress, 1800.

[2] This favorite dogma of ultra Federalists that Federal courts had a common-law jurisdiction over crimes was exploded later in the Supreme Court.

Nothing, to be sure, was procured at this session for extending directly the system of the United States judiciary; but a Bankrupt Act passed, which promised a new occasion for taking such a step, by aggrandizing the Federal business. This first of Federal bankrupt acts, like a second law for discharging poor debtors from imprisonment,[1] alleviated the distressed merchants and speculators who had been ruined in the late panic. Modelled after the English bankrupt laws, the present act extended only to merchants and traders; it passed Congress only by a close vote; and proving a mere sponge for enabling debtors to wipe out at the creditors' cost what they owed them, the statute was repealed in less than the five years' time, to which its duration was expressly limited by its own terms.[2] We shall see that the President's general recommendation of extending the judiciary was more fully carried out at the next session.

(2.) Perseverance in the system of national defence, the President's next suggestion, was not unwise so long as remained apprehension that the new negotiation with France might fail. But the longer this session lasted, much the less appeared the likelihood of such a contingency; and of the lavish cost of these warlike indulgences Congress had meantime received a salutary reminder, upon assembling. For the statement of the Secretary of the Treasury showed that the customs revenue for the past fiscal year had fallen off nearly $1,000,000, and that an expenditure, exceeding the standing revenue of the government by $5,000,000 annually, would have to be incurred in order to keep up the government establishment to the present standard. With a direct tax yet to come, with the revenues from internal sources and customs straining so hard, and loans contracted already at high rates of interest, Congress might well reconsider the extent of the war emergency.

[1] Act January 6th, 1800.

[2] This Bankrupt Act of April 4th, 1800, passed the House by the Speaker's casting vote. It was repealed by Act December 19th, 1803, and no other general bankrupt act passed until 1841, notwithstanding the undoubted right of Congress to supersede State insolvent systems in this manner.

It was in vain, therefore, that speakers on the Federal side sought to persuade Congress that this French mania was eating into the vitals of America; that Napoleon's invasion of Egypt would be followed by an invasion of the United States unless resistance was sturdy. By a combination of more moderate Federalists and the Republicans, a suspension of army enlistments was carried in February,[1] and on the last day of the session, so favorable were our accounts from abroad, that the President approved an act which permitted him to discharge the officers and men of the increased forces at an early date.[2] The prospect broadened of an amicable adjustment with France; and while the favor of the President and its own gallant exploits protected the naval establishment from obloquy, to Hamilton's grand police, with neither the one nor the other for their commendation, every day's rations were grudgingly allowed, after the decease of Washington deprived the forces of their commander. By putting off the building of the 74's, and stopping enlistments, the loan now required was reduced to $3,500,000, a sum which the President was authorized to borrow; and to meet the interest on this and the previous loan, additional duties were laid on certain articles.[3] The Secretary of the Treasury was, by a separate act, required to lay estimates of the revenue before Congress at the commencement of each session.[4]

The events of the past summer had revived somewhat the earlier animosity of our people against Great Britain.[5] As a final humiliation of the United States under the provisions of Jay's treaty, the claims commissioners suspended action about the time our new envoys sailed for France. While the London commission under that treaty had paid awards for American spoliations, amounting already to about half a million of dollars, that in Philadelphia, considering the British debts, was about to rule in such a manner as must

[1] Act February 20th, 1800.
[2] Act May 14th, 1800.
[3] Act May 7th, 1800.
[4] Act May 10th, 1800.
[5] See case of Thomas Nash, Annals of Congress, February, March, 1800.

have swamped the United States with Tory claims. The American commissioners withdrew from the latter tribunal, and the British commissioners at London promptly following their example, a complete stoppage of the spoliation awards was threatened. Ultimately the gross sum of $2,664,000 was accepted from the United States in full discharge of all obligations incurred on the score of British debts; an arrangement amicably concluded at the close of the present administration and executed during the next,[1] but which, nevertheless, tended to confirm the prevalent opinion that British diplomacy and an ostentatious yielding on one point to gain unexpectedly in another, had been more than a match for the credulous and accommodating Jay. Much earlier than this an outrage had been inflicted by British officers,

1798. which our President resented with becoming spirit.

Nov. 17. An American war vessel, the "Baltimore," while acting as convoy, was overhauled by a cruiser of the English navy. The English commodore sent an officer on board, threatening to take off every seaman who was a British subject and could not produce a protection paper. The captain of the "Baltimore" claimed that the American flag ought to be a sufficient protection to an American war vessel; but despite his remonstrance, fifty-five men were summarily transferred to the British ship for examination, five of whom the commodore retained as British subjects. Upon receiving the news Adams sent a circular order to our navy commanders to prevent the repetition of such insults. "Do not submit to search," was his direction; "but resist to the utmost, and if overpowered by superior force, strike your flag and yield your vessel; but not the men without the vessel." The British government, upon representation of the facts, disavowed the commodore's action, and ordered that American war vessels should be courteously treated. But the insolence of British naval commanders cruising about the West Indies, whose pride was now elated by the news of Nelson's splendid victories, and who might still detain and search American merchantmen at pleasure, was not easily restrained.

[1] See Act May 3d, 1802.

Important action was taken at the present session of Congress towards developing the great West, whose settlement was rapidly increasing, as the approaching census[1] would show, now that Indian hostilities were feared no longer. The territory northwest of the Ohio was separated into two distinct portions, of which the western, commencing with a line drawn at the Ohio opposite the mouth of the Kentucky River, was to be known as the Indiana Territory, and governed accordingly; while that of Ohio constituted the portion east of this boundary. To a fertile and populous tract in the northeast corner of the Ohio Territory, known as the "Connecticut Reserve," which the State of Connecticut had formerly sold to a speculating company, the title was now confirmed for the benefit of present settlers, and provision was made in return to procure the final extinction of all claims on the part of that State to a strip of land which lay along the southwestern boundary of New York.[2] All this legislation prepared the way for the admission, at no distant period, of Ohio, as the first of the flourishing States ever carved from the Northwest Territory. William Henry Harrison, a future President of the United States, sat in this Congress as the delegate from the Northwest Territory; and under the above act he was presently appointed governor of Indiana. 1800.

Great complaints having been made at this session of extortion, oppression, and maladministration on the part of the governor of the Mississippi Territory, complaints whose investigation was ordered by the House,[3] the public conviction spread that this close blending of executive, legislative, and judicial authority, to be exercised by some three or four individuals, appointed from the States at large, who could have but little in common with the territorial settlers whom they ruled, was bad in theory and practice; and accordingly outraged Mississippi was allowed an imme-

[1] See Act February 28th, 1800.

[2] Act April 28th, 1800.

[3] A report was made, somewhat palliative in terms, but at the next session the House refused, March 3d, 1801, to accept the committee action as final, and the whole subject went over.

diate Territorial Assembly;[1] while the privilege was in like manner conceded as a feature of the Indiana act, that there should be a Territorial Assembly established whenever a majority of the freeholders desired it.

To Harrison's efforts it was largely owing that an important act now passed concerning public land sales, which in reality took the first step towards that direct dealing between government and individual settlers, which has since proved so mutually beneficial. This act provided that four land offices should be opened in the Northwest Territory, each with its register and receiver. The vacant lands belonging to the United States, subdivided into half sections of 320 acres each, might, if not sold after having been put up at public auction, be entered at any time by individuals at a price not less than two dollars an acre, three-fourths of the purchase-money being payable in instalments to extend over four years. Pre-emption was allowed to the builders of mills, and leases might be made of government reservations.[2] The former system of selling only in large tracts on credit, and at remote points, had fostered the late disastrous speculations, while utterly failing as a productive source of revenue to the Federal government.[3]

In contemplation of an exciting Presidential struggle, both the dominant political parties drew the lines closely. So tenaciously did each grasp its own advantages in the several States, that nearly every legislature in the Union had resolved to choose this time the Presidential electors, instead of trusting to the uncertainties of a popular choice, whether by general or district ticket. The Republicans

[1] Act May 10th, 1800. Georgia claims were to be adjusted in the Mississippi Territory.

[2] Act May 10th, 1800.

[3] Under the first public land act of 1796 public lands were obtainable at two Western points, Pittsburg and Cincinnati, but only at auction, and in tracts of not less than 640 acres. The direct revenue from land sales under that act amounted to scarcely $100,000 in four years; far less, in fact, than was derived under the new system during the single year 1801. See 4 Hildreth; Act May 18th, 1796.

followed Federal example in this truly undemocratic procedure; having made a futile attempt in Congress, nevertheless, to initiate a constitutional amendment which would establish for the future a strict system of election by districts throughout the United States. "All agree," says Jefferson, "that an election by districts would be best, if it could be general; but while ten States choose either by their legislatures or by a general ticket, it is folly for the other six not to do it."[1]

There would have been more popular opposition to this reactionary appropriation of electoral votes, had it not been commonly recognized that all Federalist votes for the Presidency would be cast for John Adams, and all Republican for Thomas Jefferson. The latter, with the fullest confidence of his own party, had no competitor in the ranks; but against Adams the Cabinet clique, Pickering, Wolcott, and McHenry, had been intriguing, as we have seen, with Hamilton and others of the discontented ultra Federalists, so as to have him dropped and deprived of a re-election. With the rank and file of his party, who knew little of the bitter dissent which went on, and highly approved his foreign policy, Adams was by all odds the strongest candidate; and manifesting, as he did, the determination to stand for a second term, as the practice of this period highly favored, any open breach with his supporters was sure to ruin the party. The expedient of secretly superseding Adams by managing to have the electoral vote for the two undesignated candidates gravitate towards his associate, — a scheme which Hamilton, we have seen, had broached at the election four years before, — was the only one which seemed at all feasible, now that Washington was dead. And the second candidate to whom the intriguers turned, as the most available for capturing more votes than Adams, and a tractable party man, was, as before, a South Carolinian and a Pinckney — not Thomas Pinckney again, but Charles C. Pinckney, lately

[1] See Annals of Congress, amendment proposed by Nicholas; Jefferson's Writings, 1800. In at least twelve States the legislatures eventually chose electors for the present election.

prominent, as we have seen, on the French mission, and as the man whom Washington selected for the major-general next in rank to Hamilton.

With the New England electoral colleges about evenly balanced, so far as legislative majorities went, by those of the Southern Republican States — since Maryland and North Carolina expected to choose popular electors by district ticket, the effect of which would probably be to almost neutralize the electoral vote of each State, so closely was the local sentiment divided — both Federalists and Republicans watched with especial anxiety the course of events in Pennsylvania, New York, and New Jersey, and the two former States more particularly.

In Pennsylvania, the winter's session of the legislature had been a stormy one. The popular voice gave to the State in McKean a Republican governor; but in the State legislature Federalists controlled the Senate, which branch refused to concur with the House and renew the old law, which had now expired, for a choice of the Pennsylvania electors by general ticket. Deprived of this means for securing Pennsylvania's electoral vote to the Republican party, Governor McKean resolved upon convoking the next legislature to meet immediately after the election in the fall; hoping that by this time a decided Republican majority would be found in the two houses, with opportunity to cast Pennsylvania's electoral vote with due expedition. But even if seasonably assembled, legal difficulties might yet give rise to legal discussions, and thus the day for casting an electoral vote pass by without action. Ross, the defeated candidate for governor, who was a member of the United States Senate, now brought forward in Congress an astounding proposition,[1] which his colleagues favorably considered, and whose obvious design was, as a final checkmate, to throw out Pennsylvania's electoral vote in a contingency rendering its count essential to establish Jefferson's election, by making the most of technical objections. Upon the pretext of providing against disputed Presiden-

[1] February 14th, 1800.

tial elections in general, a grand committee was to be appointed by ballot from the two houses of Congress, and, sitting with closed doors, to examine all the electoral votes submitted at the next election, and decide absolutely to all intents what States to admit and what to reject. This bill passed the Senate; but upon a disagreement of the two houses the measure eventually failed.[1]

While the Senate was considering this extraordinary move towards remitting the Presidential title and succession to a secret council, a copy of the Ross bill was published in the *Aurora*,[2] with an exposure of its inner purpose to frustrate the popular will of Pennsylvania. Duane, the editor, was ordered in consequence before the bar of the Senate to answer to this publication as "false, defamatory, scandalous, and malicious," and "a high breach of the privileges of the Senate." After having been arraigned, Duane refused, upon the advice of his counsel, to appear or defend to the merits of the case, inasmuch as he was denied the right to demur to the constitutionality of these arbitrary proceedings. Incensed at his contumacy, which was couched in terms by no means respectful, the Senate ordered Duane's arrest; but he eluded the sergeant-at-arms until the session had ended.[3] March.

While the Federalists as yet hoped for nothing better from Pennsylvania at the utmost than rendering the electoral vote of that State nugatory by holding one branch of the legislature to a stubborn course, they looked to New York,

[1] See Annals of Congress; Contemporary Writings. Bingham, Ross's colleague in the Senate, would have made the power of this committee less extensive, but the Senate Federalists voted his amendment down, as well as a further proposition to strike out the dangerous feature of sitting with closed doors. Marshall, in the House, denounced this Senate measure as unconstitutional. But while he proposed no more than controlling the decision of the grand committee by the concurrent votes of the two houses, the House committee were for going further, and requiring that votes returned by the States should be counted unless rejected by a concurrent vote of both houses.

[2] February 19th.

[3] On the last day of the session, the offended Senate, by resolve, requested the Executive to have Duane prosecuted for libel.

with that storm-petrel, the late Secretary of State, Adams seems never to have suspected.[1]

These Cabinet changes were of decided gain in promoting the operations of the government, and well satisfied the coun-

[1] See John Adams's Works, May, 1800, and notes by Charles Francis Adams; Hamilton's Works. Dexter, then a Senator, appears, just before McHenry's removal, to have been sounded by Sedgwick upon the subject of Hamilton's proposal, namely, that Adams and Pinckney should have the equal chance in the electoral colleges. He was found unfavorable to the scheme; regarding it as in fact an act of bad faith which, if pursued, would work the ruin of the Federal party. See Sedgwick to Hamilton, May 7th, Hamilton's Works. As Adams stormed so violently at McHenry upon asking his removal, as though irritated over some revelation, and soon after put Dexter into his place, it might be that directly or indirectly the substance of this scheme, concerning which Adams was extremely sensitive, had come to the President's ears, with perhaps the knowledge of Dexter's refusal to lend himself to it.

McHenry was the least blameworthy of the three obnoxious Cabinet counsellors, and certainly betrayed the most sense of shame. He must have been one of those docile men of mediocre talent who show a certain obtuseness to contempt, for he took several unhandsome rebukes from Adams before this last, to which he patiently submitted. McHenry's calibre was that of a fair bureau officer, but his capacity was unequal to the requirements of Secretary of War in a time of military preparations with a President indisposed to facilitate matters. Hamilton and Wolcott both confirm the impression that McHenry was inefficient for his post, with at the same time a certain provoking unconsciousness of his inefficiency. But McHenry had amiable qualities; and the President regretted afterwards having displayed so much rudeness in removing him.

That Pickering understood well enough the dangerous consequence of a false relation to his chief is manifest from his own letter to Monroe, July, 1797, in which he laid it down as a maxim, with pointed severity, that the want of confidence, from whatever cause it might arise, was always good reason why the Executive should remove a subordinate officer. But Pickering's inflexible purpose, his ambition, and the purblindness of a mind more intense in its workings than logical, accurate, or profound, more ingenious in contriving than practical, betrayed him into many inconsistencies of action. Pickering was sternly incorruptible, and in many respects admirably fitted for any other post than one which called for the exercise of a studious diplomacy, provided he kept to his own sphere, as he did while under Washington.

try. But the President thereby provoked revengeful foes. Driven from their covert, the displaced Secretaries now contrived with Hamilton more boldly for superseding Adams in the electoral colleges. McHenry was a man of fortune. But to Pickering the removal from office necessitated his return to the Wyoming wilderness and his unwelcome plough; fortunately, however, wealthy friends and connections in Massachusetts soon intervened, who, by organizing a joint company, presently took his unprofitable lands into their own possession and enabled him to remove with his large family to Massachusetts, where a new political career lay open before him in the course of the next administration.

Before the adjournment of Congress an unusually secret caucus of the Federalist members was held, at which it was resolved that John Adams and Charles C. Pinckney should be voted for fairly and equally. The intention which thus appeared was to gratify popular expectation by making Adams the first; yet many indulged the secret hope that by some providential dispensation the electoral result would prove to reverse this order. Pickering, not well pleased with the caucus result, and thirsting for revenge, broached to Hamilton[1] the day after adjournment — without having the fear of that Sedition law before his eyes for which Judge Chase was now sentencing offenders of the other party to prison — "a bold and frank exposure of Adams." He offered to furnish facts for such a publication, and he labored to instigate Cabot and the ruling ultra Federalists of New England, besides, to arrange that Adams should be thrown out, urging sundry mischievous experiments, heedless of party consequences, and all in a strain of spiteful invective. These New England leaders resented Pickering's removal, as was quite natural; and Cabot would not renew social intercourse with the President on the latter's return to Quincy. Yet, while this Eastern faction would gladly have seen Adams tripped up in the race, they were timid about undertaking the feat themselves. Would not Maryland or New Jersey

[1] May 15th.

make the first open demonstration against him? For Adams was so widely popular with the mass of Federalists in New England, that to provoke his friends might prove their own destruction; nor after praising him so long, and palliating his faults to the last, could they consistently turn now and denounce him, as though to admit that they had hitherto deceived their fellow-citizens. An open rupture, too, with Adams might be disastrous to the Federalist party in the national election; and Heaven help the country should their party fail. Such was the tenor of secret councils in which Hamilton and other Middle State chiefs joined, and to which Wolcott, in a nerveless, uneasy way, served as administration purveyor.[1] "It is with grief and humiliation, but at the same time with perfect confidence," writes the latter, privately from his office desk, "that I declare that no administration of the government under President Adams could be successful. His prejudices are too violent, and his resentments of men of influence are too keen to render it possible that he should please either party; and we all know that he does not possess and cannot command the talents, fortitude, and constancy necessary to the formation of a new party."[2] And yet, in view of their inability "to break up and new form in the face of an enemy," all this secret consultation seemed to begin and end in a confidential dissection of Adams's character, sufficient to satisfy

[1] See Cabot's Life; 5 Hildreth; Hamilton's Works. McHenry, in his blurting style, describes the pitiful situation of himself and the other party intriguers who had hitherto tampered with the disease instead of confronting Adams boldly. "Nay, their conduct even now, notwithstanding the consequences full in view should the present chief be re-elected, in most, if not in all of the States, is tremulous, timid, feeble, deceptive, and cowardly. They write private letters. To whom? To each other. But they do nothing to give a proper direction to the public mind. They observe, even in their conversation, a discreet circumspection, ill calculated to diffuse information, or to prepare the mass of the people. They meditate in private. Can good come out of such a system? If the party recover its pristine energy and splendor, shall I ascribe it to such cunning, paltry, indecisive, back-door conduct?" McHenry to Wolcott, July 22d, 1800.

[2] Cabot's Life; Wolcott to Cabot and Ames.

these leaders of his unfitness for re-election but no more. Unwilling to openly denounce him, or to break faith with the Congressional caucus, they seem to have hoped that nevertheless the scales would fall from the eyes of that public whom they dared not enlighten.

Adams, who was made of sterner stuff, and could call an enemy by his plain name, showed his appreciation of the dark intrigue, so far as he could watch its progress from his homestead, by denouncing his Massachusetts neighbors who were mixing in it as the "Essex Junto;" designating a knot of ultra Federalists by the name of the county where Cabot, Goodhue, and other local managers, friends of Pickering, lived; though residents elsewhere, like Ames, of Norfolk, were properly included. The Adamses, father and son, gave this "Essex Junto" a national notoriety, which the conduct of its members a few years after enhanced; but the title had been bestowed much earlier upon a set of able but perverse men, pre-eminent in the local politics of Massachusetts for a fifth of a century or more.[1]

In order to foster dissensions between the Federal candidates, and perhaps to sow seed which might fructify if Pinckney were the next President, Pickering, soon after the adjournment of Congress, wrote the latter a long epistle in terms abusive of the President, making himself out a martyr for his rebuke of Adams's nepotism and his interference to establish Hamilton as the ranking major-general. His disgust with the vanity of Adams, whom he considered stone-blind to his own faults, was conveyed as frankly as his conviction that the late Secretary of State was a much better judge of public measures.

Inciting against such malignants within his own party the mass of Federalists in the country who glorified the President's wisdom and firmness, and more especially to unite

[1] See Lodge's Life of Cabot, 17, for a description of the Essex Junto. Hancock applied the title about 1781, and possibly it originated much earlier. Theophilus Parsons, Cabot, Ames, Stephen Higginson, and the Lowells belonged to it; likewise Pickering, after he removed to Massachusetts. It is quite likely their conferences were informal and without organization.

the solid men of Boston, Adams, with his friends, opened a raking fire upon the Essex Junto as a "British faction," joining party Republicans in affixing a Jeffersonian stigma to which the men denounced had become exceedingly sensitive; and yet not using it unfittingly. A careless reference to "British influence," however, in Adams's old letter of 1792 to Tench Coxe[1] with reference to the Pinckneys, — one of whom, educated abroad, had formed a friendship with the Duke of Leeds, — nearly betrayed the President into unpleasant relations with both his former and present associate on the electoral ticket. That letter, whose timely possession had relieved Duane of a prosecution for libel,[2] was soon after published in the *Aurora;* whereupon Thomas Pinckney courteously asked Adams to deny what appeared to be some forgery. But the President had to admit that the epistle was genuine; and his reply, worded in as conciliating language as possible, made it clear that in a fit of peevishness he had not only done the brothers injustice in imputing the charge of British influence, but had, in fact, mingled carelessly in mind the various distinguished South Carolina statesmen who bore the name of Pinckney.[3]

August–October.

Hamilton was one of those who suffered from the double fire to which the "British faction" had thus become exposed. Having now been mustered out of service with the rest of the provisional forces, he felt under no further constraint against venting his mind concerning the President, from whom his pride had suffered such terrible wounds. The campaign attacks upon his close political allies of the "Essex Junto" afforded him good occasion for that public exposure of Adams which Pickering wished made, but more circumspect conspirators shrunk from attempting. By way of opening, he now addressed a letter to the President, asking him to explain

Aug. 1.

[1] Coxe had been removed from the Assistant Secretaryship of the Treasury, for political reasons, by Wolcott, and he took his revenge by bringing out this letter.

[2] *Supra*, p. 460.

[3] See 5 Hildreth, 378.

whether he had mentioned the writer as one who belonged to a British faction. Adams took no notice either of this letter or a subsequent one, in which Hamilton angrily repelled all aspersions of the kind against him. Long before writing the first of these letters Hamilton had set Wolcott to gathering evidence of Adams's unfitness for his place, with the view of bringing doubtful electors to unite in preferring Pinckney; and to the pamphlet for which this one-sided correspondence with Adams served as the shoeing-horn he now busily addressed himself, while the Secretary of the Treasury moused about the archives to procure information for his use, and gave the draft a personal revision. Between their doubts and desires, however, Hamilton's confidential advisers were in a quandary about such a publication. If the scheme should draw votes from Adams without aiding the Republicans, all was well enough; but perhaps it would be otherwise, and might not a secret exposure, an anonymous pamphlet, be more politic? Some of Hamilton's better counsellors recalled the caucus agreement to vote fairly for both Adams and Pinckney, and deprecated what seemed so much like a breach of faith. But Hamilton was accustomed to give, not to receive advice, and, confident in his own pen, he proceeded with his self-imposed task, and on its completion printed the document. Intended, apparently, for private circulation only, and among Federal leaders, the pamphlet, or extracts from it, at least, appeared so speedily in the opposition press that an authentic publication was found needful.

Oct. 1.

July 1.

Hamilton had undertaken more than he could perform in making this pamphlet appear intended only for his own personal justification. To disclaim the charge of British influence on his own part, or even, as he here assumed to do, for the Pinckneys, required little space; but his scope was wider. Going back to recall the "double chance" effort of 1796 as the cause of the President's enmity towards him, he reverted still further to the days of the Revolution, in order to prove Adams unsound in his military judgment. Admitting that Adams had made a good Vice-President, he

proceeded to demonstrate the faults of his Presidential administration as they occurred to him, chiefly by dwelling upon such faults of temper as egotism, vanity, and jealousy. While disposed, however, to make much of the President's disregard of his Cabinet advisers, he dared not avow that in this French business the would-be directors were right while Adams was wrong. In short, hedged by the necessity of practising some dissimulation over the deepest of his own private sorrows, and of avoiding the discussion of public issues upon which the party, but not all party leaders, agreed substantially with the President, and feeling besides, that his most trusted political associates doubted or disapproved his present publication, Hamilton really made out a weak case. He showed neither corruption, insanity, nor ruinous misbehavior on Adams's part, as some had expected him to do; nor that he had treated Washington with actual disrespect. Indeed, he commented far less severely than in his confidential letters upon the President's character, summing it up, by no means happily, as that of a man with "an imagination sublimated and eccentric, propitious neither to the regular display of sound judgment nor to steady perseverance in a systematic plan of conduct."[1]

The reception of Hamilton's pamphlet by those for whom it was intended by no means justified his hopes. Some thought it went too far; others not far enough. They who had expected to find that Adams embroiled this country with England in order to help his personal popularity, or that he was manifestly unsound in commerce and finance, were, of course, disappointed. The Junto deplored the appearance of a campaign document which was likely to do their Jacobin opponents so good service, and it was thought by some good Federalists that Hamilton betrayed the same vanity and egotism on his own part which he here charged upon the President. Convinced in his mind that the pamphlet was inconclusive, that it consisted too largely of an estimate of character, made as if upon an

[1] See Hamilton's Works.

offended individual's personal warrant, Hamilton sent to Pickering for more anecdotes and facts; but the latter was now in the backwoods, and new materials were not easily obtainable.[1] Nov. 18.

The clear-eyed leader of the Democracy, cool, subtle, persevering, and insinuating, laying his deepest plans with the most profound secrecy, knowing the condition of affairs in each State legislature, and closely calculating how the electoral votes would foot up, had meanwhile watched every false movement of his adversaries and quickly turned it to party advantage. The Republican caucus in Congress had nominated him without hesitation for the Presidency, designating Burr for the second place, a man whom Jefferson had instinctively distrusted, but whose New York services and influence made his selection irresistible. Jefferson's confidence was in the great body of the American people, irrespective of party, who, as he believed, were for "republican forms, republican principles, simplicity, economy, civil and religious freedom." While carefully abstaining still from open opposition to the new Alien and Sedition laws, he held Virginia and Kentucky through his friends, of whom Madison, now serving in the Virginia legislature, was the chief, firmly, but temperately, to that revolutionary protest, which, as we have seen, he had originated.[2]

The principles upon which Jefferson's candidacy now rested before the people may best be gathered from a carefully written letter to Gerry, in 1799, which was intended, notwithstanding its passionate strain, to set them plainly forth; for, as we should remember, neither party platforms were known at this day, nor a public acceptance of the candidacy by Presidential nominees. Jefferson, as he here expressed himself, was for inviolably preserving the Federal Constitution according to the true sense in which it was advocated and adopted, without monarchizing its features

[1] See Hamilton's Works; Lives of Pickering, Cabot, etc.

[2] See 5 Hildreth; Jefferson's and Madison's Writings. Madison prepared the address which defended Virginia's action. The connection of Jefferson with the famous Kentucky resolutions was not at this time known, though suspicion attached to him.

or worming out the elective principle; for keeping to the States the powers not yielded by them to the Union, not for transferring all the power of the States to the General Government, and all those of that Government to the Executive branch; for a government rigorously frugal and simple, applying all possible savings of the revenue for discharging the public debt, and not increasing it as though it were a public blessing; for relying, in internal defence, solely on our militia till actual invasion, maintaining such a naval force only as might protect our coasts and harbors; for free commerce with all nations, political connection with none, and little or no diplomatic establishment, not for linking ourselves with the quarrels of Europe; for freedom of religion; for freedom of the press, and against all violations of the Constitution to silence by force, and not by reason, complaints, just or unjust, of citizens against the conduct of their agents; for encouraging the progress of science, and going, not backwards but forwards, to look for improvement. A sincere well-wisher to the success of the French revolution, he still wished it to end in the establishment of a free and well-ordered republic; but he had not been insensible to the atrocious French depredations on our commerce, and the first object of his heart was his own country.[1]

Peter Porcupine had disappeared from Philadelphia soon after McKean's election, provoking, still earlier, the ire of the Adams Federalists by bitterly assailing the policy of a new French mission,[2] besides involving himself in costly litigation for libelling Dr. Rush and the old-school medical methods.[3] After a brief sojourn at New York Cobbett re-

[1] See 4 Jefferson's Works, 268, January 26th, 1799.

[2] "Porcupine's Gazette and Fenno's Gazette from the moment of the mission to France, aided, countenanced, and encouraged by *soi-disant* Federalists in Boston, New York, and Philadelphia, have done more to shuffle the cards into the hands of the Jacobin leaders than all the acts of administration and all the policy of opposition from the commencement of the government." 9 John Adams's Works, September 10th, 1800.

[3] Dr. Rush's suit was brought to trial on the day of Washington's death; and, as Cobbett afterwards said, it was a singular coincidence that while the father of his country was perishing under the lancet, he,

turned home to England, where his pen became afterwards enlisted on behalf of the working classes; and he ripened in later years into a British radical and a venerator of Paine. Being a man of industry, fond of work, and abstemious in habits, he proved himself one of the most prolific writers in the English tongue; not so successful a dabster, however, in political satire, severe as he could be when he chose, as in the sterner drudgery of reporting the Parliamentary debates. We shall see that, very soon after this Presidential contest had been decided and the Sedition law expired, that coarse and vituperative strain of political invective and personal abuse in which American journalism had so much indulged of late sensibly diminished.

To the new Federal capital, now doubly consecrated in the hearts of the American people by the hallowed name of its deceased founder, the President welcomed Congress at its second and final session,[1] congratulating the two houses "on the prospect of a residence not to be changed." The removal of the Federal government to this sequestered and unpopulous region, over which it exercised exclusive jurisdiction, proved most timely; for had the closing scenes of so exciting a Presidential contest been enacted at Philadelphia, there would undoubtedly have been serious riots and probably bloodshed. Nov. 17, 22.

This was, indeed, a place for central seclusion. All the way from Baltimore one rode hither through thick woods, seeing scarcely a house or a human being. An unfinished block on Capitol Hill marked the site of that great purchase of six thousand lots which had hastened the insolvency of Morris, Greenleaf, and Nicholson; their agreement with the government to build brick houses remaining unfulfilled. Scarcely five hundred inhabitants had yet appeared in the new city; and they were chiefly negroes and foreign laborers needful on the public works, who dwelt in cheap huts. Only

Cobbett, should be mulcted in a verdict of $5000 for having exposed and ridiculed the dangerous practice of excessive bleeding.

[1] See Act April 24th, 1800, which provided for the removal from Philadelphia.

the north wing of the splendid Capitol, commenced on this wooded height, whose southeast corner-stone Washington himself had laid in 1793, with masonic ceremonies, peered above the clustering oaks. The President's house, some two miles to the westward, had been planned on a liberal scale, and was decently fit for habitation; but the plastering was damp, and some of the commonest conveniences were wanting. No fencing was yet visible in the city; brick-kilns peeped out here and there like ant-hills; nothing, wrote Wolcott, was plenty except provisions. So few and so scattered were the houses, that comfortable quarters for the representatives of the nation could only be had in the neighborhood of Georgetown, whither, to the confusion of L'Enfant's plans, the gregarious and fashionably inclined must consequently have tended. L'Enfant himself, a fussy and insubordinate Frenchman, who claimed the same right to tear down a private house which did not please him as to root up a tree, had long since dissolved relations with our government; and, under commissioners appointed soon after the original proprietors passed their deeds, the grand projects for the Federal residence at Washington progressed as fairly as the moderate receipt of $1,047,167 since 1791 and the embarrassments of private speculators would permit. Donations from Maryland and Virginia, aggregating about $200,000, constituted a portion of this fund. Maryland had loaned money to forward the public works. But the general business stagnation, and a fear lately entertained in various quarters of the Union that Congress would remain permanently at Philadelphia, had operated quite adversely to the interests of the new city.

The French convention, which Davie had recently brought home, leaving his fellow-envoys in Europe, was the first topic to absorb attention at this session. As Adams and the more rational part of the community had anticipated, our new American envoys were cordially received at Paris by Talleyrand and the French government and speedily put in the way of accomplishing the main object of their mission. Not even that new revolution of November, 1799,

which swept away "Monsieur Five-Heads,"[1] and established Napoleon at the head of affairs as First Consul, could affect the present negotiation so long as Adams permitted it to proceed. Our three envoys, having met at Paris, March 2d, 1800, presented their credentials after the usual manner, upon which Napoleon designated a commission to treat with them, placing at its head his brother, Joseph Bonaparte. The negotiations took shape in a new convention, to which all parties assented. This convention declared firm, inviolable, and universal peace between France and the United States, with a mutual restoration of such captured public ships and private property as had not already been condemned. Other articles, in restraint of the harassing pretext lately set up by French cruisers, laid down international rules more liberal to neutrals than those under the British treaty, including the rule once more that "free ships should make free goods," excepting contraband; defining blockade and contraband fairly; excluding the right of search in the sense of using force; confiscating goods on an enemy's vessel, and making provisions of reciprocal advantage as to prizes, privateers, and the sequestration of debts.[2]

1800.

Sept. 30.

But in the course of negotiation it appeared that the new American envoys had been instructed differently from their predecessors, and so as to insist (agreeably to the act of Congress) that the old treaties with France were no longer in force; while the interest of France, on the other hand, was to consider those treaties still in force, with all their incidental advantages, as the basis of a new agreement. Making the best use of this unexpected situation, the French negotiators quite acutely proposed, that either the old treaties should be considered in force, with the mutual indemnities stipulated for, or else that a new treaty should ignore all claims for past spoliations; since, if no former treaty was now existing, there remained no legal basis for indemnity. Placed in this dilemma, our envoys, who were becoming

[1] Fisher Ames's Works, 1799.

[2] See United States Statutes at Large, vol. viii.

impressed by the rapid successes which attended Napoleon's arms, consented to the insertion of a provisional article concerning spoliations in the new treaty: that, since neither side could agree upon these points, there would be further negotiation at a convenient time, but meantime the old treaties with France should have no force. This constituted article 2 of the new convention.

Unpalatable to American merchants as must have been a new French arrangement with indemnity for French spoliations omitted, this was not a treaty for the American Senate to reject, while the President himself favored its confirmation. Consulted by influential Senators of the ultra Federal wing as to what they had better do, Hamilton wisely advised them, in view of the present state of the public mind, not to take the risk of rejection, lest they should finish the ruin of the party; for a new negotiation in Jacobin hands might make the business worse. The British ministry considered the treaty unobjectionable on their own part.[1] But, too rancorous to yield wholly to the President's French policy, the Senate was brought to the two-thirds confirmation only by expunging article 2 altogether, and providing that the convention, instead of being perpetual, should be limited to eight years. Adams ratified the convention in this conditional form, notwithstanding his own preference had been to leave the instrument as it originally stood. The document going back in this offensive shape to France, Napoleon, not to be outwitted, ratified it likewise, with the further proviso that by retrenchment of the second article, each country was understood to renounce the pretensions which constituted its object. Thus was the amended treaty finally ratified by the United States after Adams's term had expired; and this Senatorial spleen only rid France finally of the unwelcome duty of indemnifying its recent American spoliations.[2] Napoleon, however, as his

Dec. 15.

1801. Feb. 18.

July 31.

Dec. 19.

[1] King to Marshall, October 31st, 1800.

[2] See Hamilton's Works; letters from Gouverneur Morris, Gunn, Sedgwick, etc. Marshall, though dissatisfied with the treaty, was, like Hamilton, disposed to ratify without conditions.

ambitious course developed at the head of French affairs, was the last man living ever to settle such neutral claims.[1]

Wolcott, whose conscience seems to have smote him while he was working out the Hamilton plot against the President, and who doubtless had no wish to encounter one of John Adams's gales by courting a detection while he remained in office, had made known his wish to retire from the Treasury Department at the close of the year; which the President, quite unsuspicious of his infidelity, reluctantly granted, following him into private life with his friendly assurances, of which he gave substantial token by appointing him one of the new circuit judges a few weeks later, under an act of which we shall presently speak. Wolcott had shown good husbandry as a financier in an unfavorable season, and his final report exhibited an improving treasury condition. Samuel Dexter was appointed Wolcott's successor, the War Department, from which he was transferred, remaining without a head until Roger Griswold supplied the vacancy in February.

Another high office at Adams's disposal, but of tenure as grand as these Cabinet posts were temporary, was the Chief Justiceship of the United States, which the resignation of Ellsworth, who concluded to remain abroad at the close of his French mission, had left vacant. To John Jay, whose high sense of honor and disinterested patriotism had brought him at length to a cordial appreciation of the President's foreign policy, the office he had formerly held was once more tendered;[2] but Jay had already resolved to retire from public life altogether with the end of his

[1] A new treaty with Prussia, negotiated July 11th, 1799, with ratifications exchanged June 22d, 1800, which John Quincy Adams had been employed in procuring, in place of the old and expiring one, exhibited in its terms a disposition on the part of the Baltic powers to acquiesce in the English restraints upon carrying an enemy's property in neutral vessels.

[2] "I often say," writes John Adams, "that when my confidence in Mr. Jay shall cease, I must give up the cause of confidence and renounce it with all men." See John Adams's Works, November–December, 1800.

present term as governor of New York. John Marshall, the present Secretary of State, was accordingly appointed; and a splendid appointment this proved, for, equal to Jay and Ellsworth, at all events, in professional learning, his strong grasp of leading principles, his moderation, firmness, and beautiful simplicity of character, qualified him pre-eminently to become the first of Federal Chief Justices who grew and mellowed in the office. But in the executive chaos of these last weeks Marshall continued the duties of Secretary of State for the residue of this Presidential term.

1801. Jan. 20.

Wolcott did not leave public office without being subjected to slanderous imputations. It so happened that soon after the public archives were removed from Philadelphia to the new seat of government, fires broke out, first at the war office, next at the treasury, by the former of which the military records of the United States were utterly consumed. Opposition newspapers charged that these were incendiary fires, kindled purposely in order to destroy the proofs of some official mal-administration; and upon slight circumstances the suspicion fastened upon the Secretary of the Treasury.[1]

The excitement of the Presidential campaign was intense. But the electoral issue having reduced itself mainly into a rival contest for capturing State legislatures, the immediate wishes of the people had been of secondary consideration. The New York legislature cast the momentous ballot of that State for Jefferson and Burr, as had been expected, giving twelve votes for each. But Pennsylvania, whose fifteen electoral votes might in a different contingency have been too precious for the popular party to lose, was still, to Governor McKean's discomfiture, tied in the new legislature by a slightly Federal Senate, notwithstand-

1800.

[1] Dexter was absent when the war records were burnt. Wolcott appeared early at the scene of conflagration in each instance; but upon an investigation his conduct was quite satisfactorily explained. See Congressional documents, 1801.

ing Republicans predominated in the new House; so that after a vain effort to procure the joint ballot of the legislature, which must have yielded Jefferson electors, if given at all, the popular branch, rather than have Pennsylvania thrown entirely out of the electoral count through this legislative deadlock, gave way to a compromise, December. which granted the Republicans eight votes to the Federal candidates' seven. A Republican State was thus held by the conservative opposing influence which remained in a Senate only gradually alterable, so that it cast virtually but one of its fifteen electoral votes for the men of its choice. In North Carolina and Maryland, on the other hand, Republican gains in the popular branch as against a Federalist Senate, kept each legislature from repealing the former law for a district election of electors; and a division of the electoral vote of these States fairly neutralized the defection of Pennsylvania to Jefferson's cause. The doubtful State of New Jersey went to the Federalists. Massachusetts kept her electoral vote to the legislature, while Virginia chose electors by a general ticket. Probably Republican electors would have been chosen over the Federalists, had the voters at large in every State been uniformly permitted to vote as they do in these later times.

In the South Carolina legislature, which was of mixed complexion, a division had been attempted, which Hamilton's pamphlet must have sought to assist.[1] This was, in a word, by dropping both the Northern candidates, to cast the eight votes of that State for Jefferson and Pinckney together, both of whom were popular in that region. Pinckney, however, who was a man of chivalrous honor, refused to break faith with Adams and his friends, notwithstanding the "British faction" charge; and accordingly South Carolina's electoral votes in the legislature went to Jefferson and Burr instead.

[1] John Quincy Adams considered that this was the main object of Hamilton's publication; an idea he probably procured from his father, for he was at this time abroad. But that pamphlet was ostensibly intended rather for New England circulation.

It was not the national rivalry between Federalists and Republicans, as the event proved, which was here to jeopardize the Presidential title, but that fatal clause of the Constitution, as it then stood, under which each elector cast his two ballots without designating which should be President and which Vice-President. While their own dark intrigues for the "double chance" were frustrated this fall beyond a peradventure by the prudent dropping out of a single Pinckney ballot in Rhode Island, and while both their candidates were sufficiently defeated, the ultra Federalists found a new opportunity presented for baffling the public wishes by an unexpected tie which occurred between Jefferson and Burr, whose electors appear to have held too faithfully together in the double vote for the immediate interests of the party. This, of course, and for the first time in our history, prevented a constitutional choice of President by electors, and devolved the duty upon a House controlled by the political opponents of both Jefferson and Burr to decide which of the two they should make the Chief Magistrate.

The probability that the Presidential election would take such a turn flashed upon Congress and our anxious politicians the instant the news of South Carolina's electoral action reached them, and while, in fact, the votes of the most distant States of the Union were still in surmise. With all the South Carolina votes ascertained in favor of Jefferson and Burr, a Republican victory in the electoral college was certain; but had Jefferson and Pinckney diverted those votes, either Jefferson would have been President by his gain upon Burr, or else, by a new variation of the "double chance" programme, the ultra Federalists in the popular branch of Congress might have brought in Pinckney.[1]

[1] The assumption is sometimes made that had South Carolina divided her vote, as proposed, between Jefferson and Pinckney, there would have been a tie between Jefferson and Pinckney, and hence that the Federal House would have elected Pinckney. This, probably, was the scheme intended for a suitable contingency; but in fact the single vote Rhode Island withheld from Pinckney as against Adams rendered such a tie impossible. Jefferson, in other words, would have been elected by a majority of one. Fisher Ames had thought of such a tie. Fisher Ames's Works, December, 1800. And see 6 Hamilton's Works.

Now that public opinion was such a feather in the Presidential scales, no one comprehended Jefferson's danger at the hands of unscrupulous opponents more quickly than did Jefferson himself. Madison and Gallatin were long since designated by him for the State and Treasury heads in case of his election. Immediately upon the news from South Carolina he courted the Livingston influence in New York, which appeared to waver as between himself and Burr, by gracefully tendering the Navy Department to Chancellor Livingston, the ruling spirit of that family. Next he wrote to his coequal Burr a letter, which was well calculated to draw out the latter's views with reference to giving Jefferson the priority. And still troubled over the uncertain situation he confidentially acquainted Madison by letter with the whole dangerous Federalist scheme for keeping him out, which was soon in progress, and announced his intention to procure an interview with the President, in the hope of reaching a candid understanding with him.[1]

Dec. 14.

Dec. 15.

Dec. 18, 19

This scheme, which Federalist newspapers soon began to discuss openly, presented two alternatives: either to prevent a constitutional election, the House balloting without choice until the 4th of March, or through the House to choose Burr the constitutional President instead of Jefferson. In the former alternative some President *pro tem.* of their own party might, they thought, take the reins of state, a bill passing Congress for that purpose. This, however, was revolutionary, and the Republicans threatened that the moment such a bill was passed the Middle States would arm. By a strange oversight, in fact, the Constitution had made no provision whatever for the emergency of no choice by the House. A new convention of States, Jefferson maintained, would be requisite, and perhaps the two highest candidates might properly convene the new Congress meantime by joint proclamation;[2] and even were this otherwise,

[1] See Jefferson's Works.

[2] This latter course was proposed by Madison and approved by Jefferson as a possible resort. See Madison's Writings.

and Congress made a President *pro tem.*, a new election, as Adams showed, would have to follow, which would result in the choice of Jefferson. This idea was therefore discountenanced. But to the latter alternative ultra Federalists right willingly inclined. Dissensions, they thought, would thus be sown in the opposition party, and Burr, chosen by Federalist votes, would feel bound in gratitude to administer the government in accordance with Federalist wishes.

A contingency like the present had been contemplated by the Essex Junto as early as August.[1] But, knowing Burr too intimately to place the slightest reliance upon him or his sense of gratitude, Hamilton entreated his friends in Congress, now that the opportunity had arrived, to take no such fatal step as either alternative involved, but rather, electing Jefferson in the House, to get him, if possible, to pledge himself to preserve the fiscal system and the navy entire, adhere to neutrality, and keep Federalists in the lesser offices. Upon Bayard, whose single vote for Delaware might be decisive, inasmuch as the House would vote by States in the eventual choice of a President, as the Constitution provided, he unbosomed his feelings most strongly. "I cannot," he said, "remain with a party which so degrades itself as to elect Burr." There had been too much exaggeration, he thought, to Jefferson's prejudice, and too much taken for granted in Burr's favor. As to Burr, he is admitted to be a man of extreme and irregular ambition, selfish to a degree excluding all social affections, and decidedly profligate. Federalists had urged in favor of supporting him that he was artful and dexterous in accomplishing ends; yet this in a bad man was an objection. They had said that he was a matter-of-fact man, and no pernicious theorist like Jefferson; yet a systematic statesman should have a theory. They had claimed that his selfishness was a guard, yet calculation might keep as well as make him a partisan. They had alleged that he dwelt in a locality where com-

Dec. 1800. Jan. 1801.

[1] Cabot to Hamilton, August 10th, 1800; Hamilton's Works.

mercial and fiscal systems were appreciated, yet in New York were many leaders who failed so to appreciate. Burr's elevation, it was asserted, would be a stab to Jacobinism, and he would have to lean on good men; on the contrary, he would never lean on good men, but try to disorganize parties and have his own tools about him. Nor should we believe that Burr's ambition would be restrained by his good sense, for ambition without principle was never long under the guidance of good sense; and, besides, his good sense was here overrated, for he was more cunning than wise, more dexterous than able, and, while apparently cold, the most sanguine man in the world. Finally, if the Federalists elected Burr they would make the party responsible for him and his acts, whereas, if those who prevailed in the election were left free to choose their own man, they would be solely responsible for him, and the Federalists might continue "free, united, and without stain, in a situation to resist with effect pernicious measures."[1]

Wholesome counsel of this sort was thrown away upon the more bigoted partisans with whom Hamilton had corresponded, and to whom Jefferson seemed atheistical, fanatical, or, as Sedgwick roundly expressed it, "a semi-maniac." Their arguments for electing Burr are summarized in Hamilton's forcible letter to Bayard. These political guides conceded in Jefferson's favor the most pregnant circumstance, that the electors, if not the popular majority, that those, too, who nominated, had meant to make him President instead of Burr; but with weak sophistry they contended that a preference so senselessly bestowed ought not to be respected by them; or, in other words, that *salus populi*

[1] Hamilton's Works; and see works of Jefferson, Madison, and John Adams. With regard to Jefferson, Hamilton expressed himself to Bayard with far less censure, as the above contrast implies, yet by no means flatteringly. Jefferson, he admitted, was crafty, persevering in his objects, untruthful, a contemptible hypocrite, and a flatterer of the people; yet he had a good regard for keeping the Executive strong. His Gallic fever was now much moderated, and his love of popularity would render his system temporizing and not violent; and, furthermore, Jefferson was not a corrupt man.

should prevail against *vox populi*.[1] And they doubtless had the constitutional right to make a selection. Hamilton's campaign indiscretion was fresh in the minds of his New England associates, who likewise inclined to attribute his warmth against Burr to local and personal feuds. Upon a party caucus, the Federalists in Congress resolved to elect Burr over Jefferson if they could; but Bayard and three other members of the House, any one of whom might, as it proved, decide the choice for Jefferson by the change of his single vote, resolved not to carry the experiment to the point of risking the failure to elect and general anarchy. Burr's own conduct had not confirmed the hope of fidelity to his party and its commander against the perilous temptation of a Presidency. Instead of establishing frank relations with Jefferson, who tried repeatedly to bring him to an explicit understanding, instead of checking the Federalist intrigue as he could easily have done by a determined refusal to submit to it or by some popular appeal, he kept mysteriously aloof; and while he appeared to disavow any intention to supplant Jefferson, his friends gave out privately that he would not decline the chief office if chosen to it.[2]

The day for the meeting of electoral colleges had been placed by law at the first Wednesday of December, 1801. Feb. 11. and the second Wednesday of February following was the day fixed for opening the certificates and counting the votes. The two houses, both of them inconveniently quartered in the north wing of the Capitol, assembled on the 11th of February in the Senate Chamber for the latter purpose. The count of the tellers showed, as already anticipated, that Jefferson and Burr had each 73 electoral votes,

[1] See Sedgwick and others to Hamilton; Hamilton's Works.

[2] See Jefferson's Writings; Hamilton's Works. In John C. Hamilton's Republic, vol. vii, it is stated against Burr that he had tried to get a Jefferson vote dropped out of the Electoral College of New York; but the hope of thus stealing into the Presidency, if cherished, was frustrated. The leading Federalists in Congress gained an idea, as their letters show, that Burr was not unfavorable to their plan of electing him; and such, too, was Jefferson's belief. That Burr's most intimate friends believed the same, see Davis's Life of Burr.

Adams 65, Pinckney 64, and Jay 1.[1] As presiding officer of the Senate the unwelcome duty devolved upon Jefferson of announcing that there was a tie vote between himself and Burr. Upon this announcement the House returned to its own chamber, there to continue in session, as that body had already resolved, without proceeding to other business, till a President should be chosen. Feb. 9.

The first ballot taken was the test of comparative strength between the two rival candidates. The representatives of eight States voted for Jefferson: New York, New Jersey, Pennsylvania, Virginia, North Carolina, Georgia, Kentucky and Tennessee. Those of six States voted for Burr: New Hampshire, Massachusetts, Rhode Island, Connecticut, Delaware, and South Carolina. Nine States were necessary for a choice. The votes of both Vermont and Maryland were neutralized by an even party division of their respective representatives; and indeed, as matters stood, two members, a Republican and a Federalist, responding for the former State, it was the little Irish Lyon, the persecuted Republican, who alone saved New England from the historical reproach of seeking stubbornly and with State unanimity to subvert the will of an electoral majority of the Union.[2]

The balloting was kept up in this manner for a week, the House continuing nominally in session for the whole time, as the Constitution meant it should, though practically adjourning as convenience demanded. Except for the President and Senate these proceedings were conducted with closed doors. Caucuses of either party met from time to time. Sick members were brought into the legislative chamber on their beds to keep the vote of their State delegations under control. As the days went on, the chance appeared less of electing Burr upon such a division of the States than that Congress might reach the 4th of March without electing any one; and the failure of needful legislation, the spectacle of public disorder and anarchy in the central government, to end, perchance, in some new frame-

[1] See Table of Electoral Votes, Appendix.

[2] The Massachusetts delegation cast three minority votes for Jefferson.

work of a convention, or else an utter dissolution of the Union, had already shaken the great body of Federalist voters throughout the land, who could see little to gain and much to lose by pushing a dangerous experiment like the present. All disinterested citizens whose sense of fairness had not slumbered, gravitated towards Jefferson and peace. In the Federal caucus, too, Bayard had shown a disposition to succumb to the wishes of the country, impressed as he was with Hamilton's logic; finding, too, that while Burr played his line nimbly for votes, he was wary of pledging himself to the voters; and, moreover, becoming personally convinced that Jefferson was neither so unsound nor so irrational as had been imagined. The thirty-sixth ballot, taken upon a hasty conference of the Federalists within an hour after the thirty-fifth, ended the long agony of suspense. On this ballot Morris, of Vermont, withdrew, so that Lyon's vote became that of the State; the four Maryland Federalists put in blanks, whereby the Maryland vote was cast by Republicans; the ballot of Bayard, the sole member from Delaware, was a blank one. Jefferson was chosen President by the votes of ten States, without gaining a single Federalist ballot in his favor, and Burr, in consequence, became the Vice-President, as the Constitution provided.

Feb. 17.

The Sedition Act being about to expire, the ultra Federalists in Congress sought to procure its further extension, and a House resolution for reporting a new bill was passed accordingly by the Speaker's casting vote. The debate on this resolution showed, however, that not Republicans alone, but the more moderate friends, besides, of the administration, chiefly among the Federalists of the South, were decidedly opposed to reviving the policy by which their party had suffered so severely at the polls. But even after the Presidential contest was over, the House, with the aid once more of the Speaker's vote, refused to reject such a bill; and the final defeat of the measure by 53 to 49 was due to some changes which occurred in the membership of that body shortly before the session closed.

January.

Feb. 19.

Feb. 21.

So persistent an attempt to perpetuate, under a change of political parties, and against the will of those who were now to accede to power, a law which had been rendered doubly odious by the manner of its judicial enforcement, — for besides being at a serious disadvantage, as we have seen, in procuring evidence for his justification while executive officers kept the public archives closed against him, the accused had not unfrequently been hurried by zealous and severe judges through summons, indictment, and trial, in the space of a few hours, without opportunity to bring absent witnesses or mature a plan of defence, — might, perhaps, be attributed to the disinterested motives of Federalist leaders, or to a generous consistency of purpose rarely to be found in the conduct of political parties. For the nominal tenor of such legislation would be to check Federalists from criticising a Republican administration. But the new Judiciary Act, the crowning Federal measure of the present Congress, explains the party anxiety for reviving so obnoxious an act under this change of political supremacy.

The President's recommendation when the two houses first convened in 1799, and the passage of a Bankrupt Act, have already been noticed. That policy of extending the influence of the Federal judiciary was, under the protection of a constitutional life tenure in office, pressed with redoubled vigor by the Federalists at the present session from the first moment it was perceived that the Presidential election was lost to them. As an influential Senator wrote to Hamilton, now was the opportunity to anticipate the Republicans in controlling the bench, since the Senate would be Democratic in two years, and the Federalist party would be turned into State legislatures for all further offices.[1]

Hence originated, at a period of our history when only the bankruptcy business promised to keep our United States district courts occupied at all, and when the Chief Justice of the United States could, besides holding his circuit and

[1] See Gunn to Hamilton; also letters of Rutledge and Wolcott; Hamilton's Works, December, 1800, January, 1801.

presiding at annual terms, depart on foreign embassies or manage an executive department at the same time, an act (short-lived as it proved) which created life offices and equipped the Federal judiciary more grandly than has ever been known in this government since. Not only were the district courts by this act grouped into circuits, as they have been quite recently again, but for every circuit except the northwestern, three circuit judges were designated.[1] New Federal districts were also created. Twenty-three new judicial freeholds in all were thus established by law, besides attorneys, marshals, and clerks. There were provisions in the act as ample as possible to facilitate the removal of suits from State into Federal courts. But the Supreme Court of the United States was to be reduced in number, with the next vacancy, from five to four associate justices, in order, as a glance should indicate, that its present complexion might remain undisturbed as long as possible, and no opportunity be given to the first Republican President of making an appointment. Such was the famous Circuit Court Act, a political contrivance most unquestionably, which, passing Congress by a strict party vote, became a law in less than three weeks before Jefferson entered upon the Presidential office, and whose very speedy repeal by the next Congress, as we shall hereafter see, entered into the political agitations of the day.[2]

[1] Since 1869 there have been circuit judges once more for the United States courts, but only one judge for each circuit, and this with an immensely increased business, including, until recently, a far more extensive Bankrupt Act than that of 1800. [Note for new edition: An intermediate court of appeals was quite lately established to relieve the Supreme Court.]

[2] Act February 13th, 1801. By other acts of this final session judicial provision was made for the District of Columbia, the laws of Virginia and Maryland being extended over the respective portions ceded by those States (Act February 27th, 1801); also for increasing the salaries of seven district judges north of the Potomac (Act March 3d, 1801). Naval reduction to the footing of a peace establishment was now permitted by general consent, in view of the favorable outlook of foreign affairs and the necessity of greater economy (Act January 12th, 1801).

Except for the merest routine appropriations no other legislation of importance occurred at this most acrimonious session. The bitterness of party feeling in the popular branch of Congress was shown at the very last moment, when the Republican members refused to unite in the customary resolution of thanks to the retiring Speaker. Apart from his influential agency in the intrigue for making Burr President and the casting votes he had given in favor of the Sedition Act, Sedgwick had seriously offended the opposition and lowered the dignity of the Speakership by arbitrarily and on absurd grounds depriving an opposition editor of the customary facilities for reporting debates for his paper; first reprimanding and expelling him from the floor, and next having him turned summarily out of the public gallery, to which he had retired.[1] In his closing words to the House Sedgwick announced that it was his own intention to retire forever from Congress and public life.

If the administration leaders in Congress developed by their united action a fixed determination to stand clear of all responsibility for Jefferson's promotion to that office from which he could not in honor be longer excluded, and aggravated simultaneously the affront offered to the country, an incoming administration and their legislative successors, by setting up a judicial place of retreat at the twelfth hour, Adams proved himself their blind Samson, who ground in the prison-house to please them. Foes within and without the party he served had been too much for his ungovernable temper. He kept his old friendship with Jefferson through the earlier canvass, accosting him with blunt good-humor after the New York city election.[2] But irritation upon the final defeat left him in no mood for acting the discreet umpire when his successful rival sought him that he might discountenance the Burr movement; though Adams appears

[1] This was the editor of that famous newspaper, just established in Washington, the National Intelligencer. See Annals of Congress; 5 Hildreth.

[2] "If you beat me in the Presidency," he said, "I will be as faithful a subject as any you will have." Jefferson's Works.

to have given the Federalist scheme no encouragement, but rather the reverse.[1] Instead of promising to aid Jefferson at that time, he petulantly bade him give pledges; and Jefferson as warmly refusing to take the Presidency on capitulation, they parted in anger. The breach widened readily; for Adams showed his successor the grossest indelicacy by the final appointments of his nearly expired term. All the offices under the new Judiciary and District of Columbia acts, every Executive vacancy upon which he could lay hands up to the last moment, he filled for the advantage of his own party, and so as to leave as little patronage as possible to the incoming administration. Federalists, many of them implacable opponents of Jefferson and the Republican party, were selected; those for the leading places to hold for life, and many others for periods longer than the next Presidential term. This Executive action conformed of course to the wishes of party Federalists in Congress. A great number of important nominations were sent to the Senate on the second of March, and confirmed in the closing hours of the session.

At midnight of March 3d, when the term of the Adams administration lawfully expired, the Secretary of State and his clerks were found making out commissions by candlelight; and upon Marshall's table lay a number of the documents the next morning, which bore the late President's signature, but which the Secretary had not had time to countersign.[2] And the sunrise of March 4th saw the ex-President hastening out of the wooded capital by carriage in no philosophic frame of mind; and, as a last affront to the incoming administration, commencing his homeward journey, to Quincy, on a day and at an hour which must have precluded the decent decorum of giving his personal

[1] See Jefferson's Works, 1811.

[2] The story is, that at the stroke of twelve on the night of March 3d, Levi Lincoln, Jefferson's intended Attorney-General, entered the Secretary of State's private office with the new President's watch in his hand, and stopped Marshall at his work; and that Marshall took up his hat and left the unsigned commissions behind him. See Parton's Jefferson; Jefferson's Domestic Life.

attendance at the inaugural ceremonies of his official successor.

Thus expired one of the stormiest administrations as yet known in our constitutional history; an administration whose worst errors were enough to condemn it at the bar of public opinion, and whose best achievements, through the strange perversity of party leaders, served but to hasten its downfall. This four years' term stands conspicuous for the extrication of a foreign entanglement, derived from the preceding term, whose glory, however, redounded to the next; for spanning, as it were, a fierce torrent, that peace might cross over dry-shod.

The ill-success of the Presidency of John Adams, regarded from a personal and party standpoint, — for in respect of the nation's interest it was by no means a failure, — we may trace in part to the unfortunate circumstances by which Adams was surrounded, and in part to faults inseparable from his headstrong and original character. He was unfortunate, first of all, in being the immediate successor of a President so pre-eminent in all those qualities which mark the practical administrator and command confidence as Washington; a successor, too, the first of that style, committed substantially to the same line of policy and dependent upon the same elements for his active political support. It was a lengthening shadow that his more illustrious predecessor cast down nearly his whole official pathway; and for the year which followed Washington's death — the last months nearly of this present administration — the public grief was too great to be assuaged or diverted. The new President followed the old, therefore, seemingly at a long distance for the whole round, and was forced to perform various deferential tasks which only a spirit modest, venerating, and unenvious could have performed with cheerfulness. Adams was next unfortunate in inheriting from that former administration, admirable as had been its conduct in most respects, a very serious embarrassment with France, which, complicated as it became by Talleyrand's misconduct, was not at length overcome without causing a sudden and almost ludi-

crous collapse of warlike enthusiasm on the part of our people; while subjecting them to those very serious accompaniments of war, lavish expenditure, burdensome taxation, internal oppression; and breeding, besides, in the minds of influential partisans, those fancies of feverish ambition which are not easily dismissed. Adams was finally unfortunate in having been promoted to the command of political chieftains who neither implicitly trusted him nor performed loyal service; of a party remarkably intelligent, yet undisciplined, and liable to be led astray by malignant and cabalting influences; and of Cabinet counsellors, unworthy the name, who set up for planets when they should have revolved as satellites.

But to a considerable degree John Adams was his own worst enemy for bearing successfully the responsibilities of Chief Magistrate under an elective government like ours. He was vain, jealous of rivals, ready to suspect the worst where he suspected at all, over-imaginative, irascible, stubborn, impatient of advice, apt to push his way in blind rage and regardless of consequences where his temper was aroused. Such an Executive is not easily influenced for good except by those who humor him in his moods and take care not to cross his prerogative; others may impress, indeed, if their views be sound, but not correspondingly. The brusque manners of Adams, his imprudence of expression and indiscreet plain speaking (to the extent almost of thinking aloud, as one has described him), though not necessarily offensive to personal friends and equals who could take him as he meant, were to most, especially while Adams occupied the highest dignity in the land and stood without official equal, an obstacle to free intercourse and the mutual interchange of opinions. Unlike Washington, who so sedulously sought advice, the new President seemed to confer with others rather for the purpose of imparting his own views, and those most likely in the crude, and before gaining possession of all the data needful; and he had that tendency, so disagreeable to one who brings suggestions, of talking others down. Advice worked upon him; but by what process was not sufficiently obvious to flatter the

person offering it, since the first impression conveyed to Adams's mind by the tender of counsel appeared to be the disagreeable one that he stood sadly in need of it; and hence, while the admonition might sink deep, the person admonishing became painfully conscious of striking at once upon an envious and sensitive surface, which emitted angry sparks as from a flint. In this important respect our two earliest Presidents strongly contrasted; and so, too, in those lesser courtesies of life such as draw closer or soothe irritation; for while the one could by his suavity conquer an enemy, the other imperilled the most essential friendship of his term by his jealous or heedless inattention.

The honest, simple frankness of Adams's nature was the main obstacle to the display of that light polish of daily life which lends such a charm to urbanity, well as he could comport himself on great occasions; but other traits interfered with such amenities, not so creditable to him. If it be not literally true, as some opine,[1] that Adams, as President, would make an odious measure more odious still by his manner of executing it, we are compelled to admit that, at least, he too often displayed an unfortunate capacity for taking all the grace out of a kindly and favoring action, and stifling all sense of gratitude in the recipient, by the unkindly or ungracious manner in which he performed it. However near he might have ventured to the ground of the opposition leaders at times, away from his own party lines, he seemed to feel it as necessary to deride their position as did the party Federalists, who, more consistent, blamed him for wandering thither.

What exposed Adams all the more readily to censure and misapprehension was his constant indisposition in private speech to acknowledge to their full the broad and lofty motives which impelled his public conduct, as though once again to point a contrast with his predecessor, whose calm morality was too much a matter of principle for him to think

[1] See Van Buren's Political Parties. His course as to the Alien Act and treason prosecutions, and in several points relative to the French embroilment, controvert such an opinion, as the foregoing pages have shown.

of being shamefaced over it. Adams, pure, disinterested, upright, as we must conceive him in the main, had yet that dread of cant which marks a faulty but heroic nature struggling with itself and yielding much to impulse. Hence in the effort not to seem better than he really was, he managed at times to appear much worse; giving partial, trivial, unsatisfactory reasons to others for acts which some strong conviction of right, some brave resolution welling from the lower depths of his generous and independent nature, must have led him to perform. He would talk like a Diogenes of men and motives, and profess his utter contempt for the public whose interests he was doubtless serving with all his might. His ambition for distinction was both purer and more intense than he owned to himself.

Adams was, as those who knew him best had observed before his present elevation, a bad calculator of the probable motives of other men, nor possessed of the requisite skill and tact for managing them. Vehement as he had been in earlier years, so as to move these Colonies to declare for independence, it was his eloquence, his scholarship, his literary abilities, and the earnestness of his conviction as one of a deliberative body among his peers, that carried persuasion. When it came to Executive duties and being looked up to as a political commander, the conditions of success were very different. Adams was not steady and sure in his guidance, nor sufficiently in the habit of directing other minds to impress a policy upon those without whose willing co-operation it must fail. Rather did he let affairs drift, so far as legislators might have the power of control, while he, for his part, regulated his own department, and most especially the diplomatic part of it, with a predilection for managing it as he might see fit. As all worked apart so much, the legislature not consorting with the Executive, and the Executive uninfluential in the legislature, his most desired measures passed with difficulty; while other acts went through Congress imposing onerous and unpopular duties upon him, which he appears to have had no special influence in shaping, but for which, withholding his veto, he appeared to the ungrateful public quite willing enough to

take more than his share as sponsor. With more culpable indiscretion he permitted official subordinates, stern, narrow-minded, and moreover interested in their motives, to present to the country an administration far more spiteful and intolerant than he desired it, and less dispassionate in its foreign policy. Eccentric movements, sudden starts, inconsistent turnings perplexed the spectator; and this happened because the reins were handled by too many Phaetons, while Phœbus took his vacation and exercised only a sort of intermittent authority. For instead of allotting to each subordinate his just responsibility within his own sphere and prescribing for all, instead of taking personal heed to the whole business of the Executive, the President would let department heads combine to pull the administration, with outside assistance, in whatever direction they might, until they got so far wrong that he had to interpose again to set things as they should be. All this was partly because of his laxness as a disciplinarian, his indolence, his inaptitude for organizing, his indifference to routine details, his unbusiness-like habits; and, as we may further apprehend, too, because Adams, somewhat aware of his own shortcomings in respect of moulding and conciliating other minds so as to keep the topmost place securely in a political party, schooled himself in such a sense as to give others their unhindered way with whom he thought it impolitic to break, but whose opinions he knew not how to respect, nor how to adapt their public ends to the promotion of those he desired himself to pursue. While Washington had kept all things, great and small, under counsel, Adams worked without system or vigilance in the smaller concerns. With a mind too vigorous to feel the need of another's advice, Adams encouraged others unintentionally to misrepresent and misdirect his policy, and led the general public to false estimates of his probable conduct. It was with reference, perhaps, to his proneness for producing such external misconceptions, as well as to those fitful gusts of temper and speculation which caused him so to veer in his solitary course, that the sagacious Franklin once made the remark, of late frequently repeated by his political enemies, that Adams was "always an honest

man, often a wise one, but sometimes wholly out of his senses."

Our second President had, nevertheless, great virtues as well as great failings. Ambitious though he might be, he was the soul of earnest patriotism, and his ideal was always a lofty one, even should execution fall short of it. An accomplished scholar, a statesman who had experienced much and travelled far, one of a vigorous and far-reaching intellect, he comprehended with great wisdom the most difficult problems which his administration encountered. Some indolence might be pardonable in one of his advanced years. With all his neglect of the small things, he had, doubtless, more than others appreciated, a fixed system as to the great; and this in his foreign policy most particularly, whose management he reserved peculiarly to himself, aware, doubtless, of the delicacy required in so grave a situation, and confident that he understood European politics and diplomacy better than any of his advisers, as he certainly did. The general maxims he prescribed in his inaugural address were admirable. Adams may fairly be styled the father of our American navy; for to his perseverance and steady interest in its establishment we owe it that this arm of the service was placed for the first time upon a substantial and permanent footing. His penetrating mind had discovered, quite in advance of his times, that the belligerents of the Old World would not respect American commerce while it remained defenceless, and that the first successful war with France or England must be waged by us behind wooden walls rather than ramparts.

Whimsical and wrong-headed as Adams might be when the vapors of a wounded self-esteem steamed up and beclouded his vision, he was, apart from his peculiar foibles, consistent, just, and upright; broad in his views and singularly disinterested. He was a statesman whose general honesty of purpose could always be relied upon; magnanimous when calm; disposed, though combative of disposition, to make amends where he had acted hastily and passionately, and consorting with men of liberal and enlightened views. Nearly all of the great appointments to office during his

term which were purely of his own selection were not merely good but excellent, and worthy of comparison with any made by his predecessor; those, for instance, of Marshall (whose rapid advancement in public station was owing largely to the favor of our second President), Stoddert, and Dexter; of both sets of envoys to France, Gerry possibly excepted; and of the naval commanders. His admirable qualities as a husband and father, his fondness for his farm, and the bosom confidence which he bestowed upon those at home, of his hopes and disappointments, attest the healthiness of his moral nature; though one must admit that his private virtues were not practised without some public detriment, inasmuch as long absence from his duties obstructed business, and his ambition to found a family conspicuous in national station exposed him to the imputation of nepotism.[1] Except for some ill-considered utterances in the season of war fever, his state papers, messages, and addresses were lofty and well expressed, with clear, terse, ringing words and sentences, eminently characteristic of the man, and sure to produce a popular impression; and his bearing in public was dignified and manly, the more pleasing to his countrymen now that he had lowered the standard of courtly etiquette with which he had set out as Vice-President. He maintained well the bearing of an American Chief Executive

[1] The advancement of his son, John Quincy Adams, who was already in the diplomatic service, may well be excused as the merited promotion of an accomplished and useful officer. Not so, however, his repeated feathering of a nest for a prodigal son-in-law who was of no credit to the nation that had to furnish his stipend. A more distant family connection received, not unworthily, a judicial office of life tenure. The case against Adams has been stated, however, quite too strongly by some contemporaries inimical to him. Hamilton solicited and procured commissions for young relatives while the new army and navy were being officered. Pickering had a son with King on the English mission. Many Federalists, appointed to the bench or in the State service, inclined at this time and much later to bestow their own patronage upon kinsmen. The family transmission of offices was, in fact, a British trait by no means unfamiliar in America in these days. Franklin had displayed it in a conspicuous instance; and though Washington was personally free from nepotism, collateral kindred gained Federal offices the more readily because they bore his name.

in the eyes of the people so far as one, whose bravery was that of an eminent civilian alone, might be expected to. An Adams could stand courageously even when he had to stand alone; no better proof of which need be recalled than the grandly independent and fearless course he took in sending his second and successful embassy to France in 1799, giving peace and unexampled prosperity to his country (as he asserted later), against the advice, entreaties, and intrigues of all his ministers and all the leading Federalists in both houses of Congress. This, the most questioned of all his actions, for which his breast received the poisoned arrows of malicious foes within his own party years after his unwelcome retirement from public station, was, if we except the burning record of 1776, "the most disinterested, the most determined, prudent, and successful" of his whole life.

With all his speculative tendencies unfavorable to Republican experiments, his preference for a strong government and executive power, John Adams was in closer sympathy with the people than most leaders of the party to which he belonged, and a more genuine American. Hateful of European governments alike, he loved his country best of all. To be "king of the commons," in a practical sense, would not have ill chimed with his ambitious fancies; but monarchist he could not be at heart in the United States, and he became well-nigh a Jeffersonian Republican before he died.

The Federalist party, indeed, was already too cramped an organization to hold him. That party had done its greatest and fittest work by the time it accomplished its earliest: that, in brief, of framing and establishing the more perfect Union, which, with later changes, has stood ever since secure. Public gratitude, and the disruption of political opponents, procured a continuance in power under the wing of Washington sufficiently long for establishing the public credit, developing the resources of a new nation, concluding peace with the Indians and chief European countries, and raising the United States to a respectable position before the civilized world. But while each new chamber

was added to the shell, the nautilus had been working out. Great leaders had left the party; and by the time Washington died and the last treaty was ratified, under a successor, which detached the American Union from this European war, all the vitality which beautified Federalism was gone. Claims it certainly had still to public gratitude; but gratitude for the past will not preserve that party in the public estimation which lags in the work of the immediate present. Already had the political leaders with whom Federalism was now most identified taken to preparing feigned issues to supply the want of genuine ones; and they strove by playing upon the wildest fears and prejudices of the multitude to perpetuate themselves and their party in power. The bickerings of great rivals, the bureau intrigues against Adams and that foreign policy of pacification which the country most desired, the centralizing schemes, the usurious loans, the high salaries, the multiplicity of offices, the taxes, the provisional armies, the exhausting war preparations without an enemy in sight,—all this, even such of it as prudence might well have justified, was lead to the neck of the party which struggled to bear up the general responsibilities through an angry sea.

No political party in a time of popular commotion could ever boast in America a more splendid body of voters; social rank, talent, wealth, learning, supported Federalism, in New England more especially. But in that same section where the brain of the party was located, and among those whom Hamilton chiefly influenced, were to be seen too many leaders whose tastes were infallibly to keeping up a rule of social caste, and who despised too greatly our essay at self-rule and the sense of a commonalty. A government like ours could not walk alone, they thought, nor hardly stand, and they must guide its footsteps. On the contrary, the time had now come when political nurture could be dispensed with, and a healthy, robust public opinion allowed its opportunity to develop. The Alien and Sedition laws, all that machinery for compulsory discipline, tottered to the ground, carrying those who had sought to erect it. Federalism was lost in the first hour of its absolute supremacy, and as soon

as it essayed in earnest to rule the American people by its own effete maxims.

Unfitted by temperament for dealing with the new conditions presented in our constitutional American experiment, bewildered, indocile, as little capable of playing sycophant to the common mass as of believing in a self-constrained democracy, the leaders hitherto prominent in national affairs soon disappeared from the scene, or remained to play the part of useless obstructors. Some of the greatest Federalists withdrew into the Judiciary Department, there to escape political responsibility. Others became governors and legislators in their native States. Wrapping himself in his mantle of pride, the Bourbon Federalist watched wearily for Jacobinism to run out its course. The sun of Federalism had sunk forever, going down in the murky sunset of its discreditable Presidential intrigues. The first national party to conduct the affairs of this Constitutional Union expired with the administration of the second President. Hushed was its voice of command. And yet so constantly had it ruled, so firmly, and in the main so beneficently, even when despotically, that men gathered in its death-chamber like that of the great Roman Emperor, and tendered their homage to the illustrious remains as they lay in solemn pomp, long after the last vital breath had departed.

APPENDIX.*

A.—CONSTITUTION OF THE UNITED STATES OF AMERICA.

We, the People of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION I.—All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. II.—1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire

* The notes and tables of this Appendix were prepared for the American Almanac by Ainsworth R. Spofford, Librarian of Congress.

shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

SEC. III.—1. The Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof, for six years; and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SEC. IV.—1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in the State by the

legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. V.—1. Each house shall be judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. VI.—1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SEC. VII.—1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it; but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and

proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. VIII.—The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post-offices and post-roads;

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9. To constitute tribunals inferior to the Supreme Court;

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

16. To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SEC. IX.—1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without

the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SEC. X.—1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of the Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SEC. I.—1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected, as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person shall have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing

the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.*

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services, a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SEC. II.—1. The President shall be Commander-in-chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent

* Annulled. See Amendments, Article XII.

of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. III.—He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SEC. IV.—The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SEC. I.—The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SEC. II.—1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State, claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned,

the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SEC. III.—1. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV.

SEC. I.—Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. II.—1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. III.—1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging

to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SEC. IV.—The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention by the unanimous consent of the States present the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEO. WASHINGTON,
President, and Deputy from Virginia.

New Hampshire.

John Langdon,
Nicholas Gilman.

Massachusetts.

Nathaniel Gorham,
Rufus King.

Connecticut.

Wm. Saml. Johnson,
Roger Sherman.

New York.

Alexander Hamilton.

New Jersey.

Wil. Livingston,
David Brearley,
Wm. Paterson,
Jona. Dayton.

Pennsylvania.

B. Franklin,
Thomas Mifflin,
Robt. Morris,
Geo. Clymer,
Thos. Fitzsimons,
Jared Ingersoll,
James Wilson,
Gouv. Morris.

Delaware.

Geo. Read,
Gunning Bedford, Jr.,
John Dickinson,
Richard Bassett,
Jaco. Broom.

Maryland.

James McHenry,
Dan. Jenifer, of St. Thomas,
Dan. Carroll.

Virginia.

John Blair,
James Madison, Jr.

North Carolina.

Wm. Blount,
Rich'd Dobbs Spaight,
Hugh Williamson.

South Carolina.

J. Rutledge,
Charles C. Pinckney,
Charles Pinckney,
Pierce Butler.

Georgia.

William Few,
Abr. Baldwin.

Attest: WILLIAM JACKSON,
Secretary.

The following named delegates from the States indicated were present but did not sign the Constitution:

Massachusetts.

Elbridge Gerry,
Caleb Strong.

Connecticut.

Oliver Ellsworth.

New York.
John Lansing, Jr.,
Robert Yates.

New Jersey.
Wm. C. Houston.

Maryland.
John Francis Mercer,
Luther Martin.

Virginia.
Edmund Randolph,
George Mason,
George Wythe,
James McClurg.

North Carolina.
Alexander Martin,
Wm. R. Davie.

Georgia.
Wm. Pierce,
Wm. Houston.

Of the sixty-three delegates originally appointed, ten did not attend, two of which vacancies were filled. Of those attending, thirty-nine signed and sixteen did not.

The Constitution was adopted by the Convention on the 17th of September, 1787, appointed in pursuance of the Resolution of the Congress of the Confederation of the 21st of February, 1787, and ratified by the Conventions of the several States, as follows:

Delaware, December 7th, 1787, unanimously.
Pennsylvania, December 12th, 1787, by a vote of 46 to 23.
New Jersey, December 18th, 1787, unanimously.
Georgia, January 2d, 1788, unanimously.
Connecticut, January 9th, 1788, by a vote of 128 to 40.
Massachusetts, February 6th, 1788, by a vote of 187 to 168.
Maryland, April 28th, 1788, by a vote of 63 to 11.
South Carolina, May 23d, 1788, by a vote of 149 to 73.
New Hampshire, June 21st, 1788, by a vote of 57 to 46.
Virginia, June 25th, 1788, by a vote of 89 to 79.
New York, July 26th, 1788, by a vote of 30 to 27.
North Carolina, November 21st, 1789, by a vote of 193 to 75.
Rhode Island, May 29th, 1790, by a majority of 2.

Declared ratified by resolution of the Congress, September 13th, 1788.

The first Congress under its provisions was to have met at New York, March 4th, 1789, but on that day no quorum was present in either house. The House of Representatives organized on the 1st of April, and the Senate secured a quorum on the 6th of April, 1789.

AMENDMENTS TO THE CONSTITUTION.*

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

* Twelve Constitutional amendments were proposed by the first Congress, at its first session, September 25th, 1789. The first two were rejected, the last ten were adopted, which are the ten first printed above, and were proclaimed to be in force December 15th, 1791.

The two rejected Articles were as follows:

I. After the first enumeration required by the First Article of the Constitution, there shall be one Representative for every 30,000 persons, until the number shall amount to one hundred; after which the proportion shall be so regulated by Congress that there shall not be less than one hundred Representatives, or one for every 40,000 persons, until the number of Representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall be not less than two hundred Representatives, nor more than one Representative for every 50,000 persons.

II. No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

[Proposed by Congress March 5th, 1794, and declared in force January 8th, 1798.]

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

ARTICLE XII.

[Proposed December 12th, 1803, in the first session of the 8th Congress, and declared in force September 25th, 1804.]

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of

Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

[Proposed by Congress February 1st, 1865, and declared in force December 18th, 1865.

Ratified by Arkansas, California, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin—32 States out of 36. Ratified conditionally by Alabama and Mississippi. Rejected by Delaware and Kentucky—2. Not acted upon by Texas.]

SEC. 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this Article by appropriate legislation.

ARTICLE XIV.

[Proposed by Congress June 16th, 1866, and declared in force July 28th, 1868.

Ratified by Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin—33 States out of 37.

Of the above, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia (9) first rejected the amendment, but finally ratified it. New Jersey and Ohio (2) rescinded their ratification.

Rejected by Delaware, Kentucky, and Maryland—3.

No final action was taken by California—1.]

SEC. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this Article.

ARTICLE XV.

[Proposed by Congress February 26th, 1869, and declared in force March 30th, 1870.

Ratified by Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, West Virginia, and Wisconsin—30 States out of 37.

Of the above, Georgia and Ohio at first rejected but finally ratified. New York rescinded its ratification.

Rejected by California, Delaware, Kentucky, Maryland, New Jersey, and Oregon—6.

No final action was taken by Tennessee—1.]

SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this Article by appropriate legislation.

NOTE.—Another proposed amendment, styled Article XIII, was proposed by Congress to the State legislatures at the second session of the 36th Congress, March 2d, 1861:

"ART. XIII.—No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere within any State with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State."

It was not acted upon by a majority of the States.

B.—ELECTORAL VOTE BY STATES FOR PRESIDENT AND VICE-PRESIDENT, 1789–1801.

ELECTORAL VOTE OF 1789.*

	STATES.†	George Washington, of Virginia.	John Adams, of Massachusetts.	John Jay, of New York.	R. H. Harrison, of Maryland.	John Rutledge, of South Carolina.	John Hancock, of Massachusetts.	George Clinton of New York.	Samuel Huntington, of Connecticut.	John Milton, of Georgia.	James Armstrong, of Georgia.	Benjamin Lincoln, of Massachusetts.	Edward Telfair, of Georgia.	Vacancies.	Total.
1	Connecticut.	7	5						2						7
2	Delaware.	3		3											3
3	Georgia.	5								2	1	1	1		5
4	Maryland.	6			6									2	8
5	Massachusetts.	10	10												10
6	N. Hampshire.	5	5												5
7	New Jersey.	6	1	5											6
8	Pennsylvania.	10	8				2								10
9	South Carolina.	7				6	1								7
10	Virginia.	10	5	1			1	3						2	12
	Total,	69	34	9	6	6	4	3	2	2	1	1	1	4	73

* From 1789 to the election of 1804 the Electors voted for President and Vice-President on the same ballot, the one receiving the highest number of votes being President.

† New York, North Carolina, and Rhode Island did not vote, the New York legislature having failed to agree on the mode of choosing electors, and North Carolina and Rhode Island not having ratified the Constitution in time to take part in the election.

ELECTORAL VOTE OF 1792.

	STATES.	George Washington, of Virginia.	John Adams, of Massachusetts.	George Clinton, of New York.	Thomas Jefferson, of Virginia.	Aaron Burr, of New York.	Vacancies.	Total.
1	Connecticut.	9	9					9
2	Delaware.	3	3					3
3	Georgia.	4		4				4
4	Kentucky.	4			4			4
5	Maryland.	8	8				2	10
6	Massachusetts.	16	16					16
7	New Hampshire.	6	6					6
8	New Jersey.	7	7					7
9	New York.	12		12				12
10	North Carolina.	12		12				12
11	Pennsylvania.	15	14	1				15
12	Rhode Island.	4	4					4
13	South Carolina.	8	7			1		8
14	Vermont.	3	3				1	4
15	Virginia.	21		21				21
	Total,	132	77	50	4	1	3	135

ELECTORAL VOTE OF 1796.

	STATES.	John Adams, of Massachusetts.	Thomas Jefferson, of Virginia.	Thomas Pinckney, of South Carolina.	Aaron Burr, of New York.	Samuel Adams, of Massachusetts.	Oliver Ellsworth, of Connecticut.	George Clinton, of New York.	John Jay, of New York.	James Iredell, of North Carolina.	George Washington, of Virginia.	John Henry, of Maryland.	S. Johnson, of North Carolina.	C. C. Pinckney, of South Carolina.	Total.
1	Connecticut.	9		4					5						9
2	Delaware.	3		3				4							3
3	Georgia.		4												4
4	Kentucky.		4		4										4
5	Maryland.	7	4	4	3							2			10
6	Massachusetts.	16		13			1						2		16
7	N. Hampshire.	6					6								6
8	New Jersey.	7		7											7
9	New York.	12		12											12
10	N. Carolina.	1	11	1	6					3	1			1	12
11	Pennsylvania.	1	14	2	13										15
12	Rhode Island.	4					4								4
13	S. Carolina.		8	8											8
14	Tennessee.		3		3										3
15	Vermont.	4		4											4
16	Virginia.	1	20	1	1	15		3			1				21
	Total,	71	68	59	30	15	11	7	5	3	2	2	2	1	138

ELECTORAL VOTE OF 1800.

	STATES.	Thomas Jefferson, of Virginia.	Aaron Burr, of New York.	John Adams, of Massachusetts.	C. C. Pinckney, of South Carolina.	John Jay, of New York.	Total.
1	Connecticut.			9	9		9
2	Delaware.			3	3		3
3	Georgia.	4	4				4
4	Kentucky.	4	4				4
5	Maryland.	5	5	5	5		10
6	Massachusetts.			16	16		16
7	New Hampshire.			6	6		6
8	New Jersey.			7	7		7
9	New York.	12	12				12
10	North Carolina.	8	8	4	4		12
11	Pennsylvania.	8	8	7	7		15
12	Rhode Island.			4	3	1	4
13	South Carolina.	8	8				8
14	Tennessee.	3	3				3
15	Vermont.			4	4		4
16	Virginia.	21	21				21
	Total,	73	73	65	64	1	138

The vote for Thomas Jefferson and Aaron Burr being equal, there was no choice for President by the Electoral votes. On the 11th February, 1801, the House of Representatives proceeded to the election of a President. On the first ballot eight States voted for Jefferson, six for Burr, and the votes of two were divided. Balloting continued without a choice until February 17th, 1801, when on the 36th ballot ten States voted for Jefferson, four for Burr, and two in blank. Thomas Jefferson was thus elected President and Aaron Burr Vice-President.

C.—LENGTH OF SESSIONS OF CONGRESS. 1789–1801.

No. of Congress.	No. of Session.	TIME OF SESSION.
1st.	1st.	March 4th, 1789—September 29th, 1789.
	2d.	January 4th, 1790—August 12th, 1790.
	3d.	December 6th, 1790—March 3d, 1791.
2d.	1st.	October 24th, 1791—May 8th, 1792.
	2d.	November 5th, 1792—March 2d, 1793.
3d.	1st.	December 2d, 1793—June 9th, 1794.
	2d.	November 3d, 1794—March 3d, 1795.
4th.	1st.	December 7th, 1795—June 1st, 1796.
	2d.	December 5th, 1796—March 3d, 1797.
5th.	1st.	May 15th, 1797—July 10th, 1797.
	2d.	November 13th, 1797—July 16th, 1798.
	3d.	December 3d, 1798—March 3d, 1799.
6th.	1st.	December 2d, 1799—May 14th, 1800.
	2d.	November 17th, 1800—March 3d, 1801.

The first two sessions of the first Congress were held at New York. From the third session of the first Congress to the first session of the sixth Congress the sessions were held in Philadelphia, the temporary capital. The second session of the sixth Congress was held at Washington, the permanent capital.



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AUTHOR'S FINAL NOTES.

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Pages 264–274. For French designs upon the Mississippi Valley in connection with Genet's mission, together with a projected attack on Louisiana and the Floridas, see Reports of American Historical Association, 1896, 1897. And see Professor Francis J. Turner's articles in III. American Historical Review, 650, and Atlantic Monthly, May and June, 1904. See also my Final Notes for Vol. II.

Pages 312–316. Mr. Moncure D. Conway has undertaken to vindicate Secretary Edmund Randolph, making search among the French despatches of this period. See 2 Conway's Autobiography, 424 (1904); Omitted Chapters of History (1888). He writes in an ardent and acrimonious style; but the testimony which he cites cannot easily be verified. His defence, moreover, is chiefly to the point of Randolph's personal honesty, and in this respect harsh imputations ought certainly not to be made as the evidence now stands. The broader relations of Randolph's strange conduct, to which my text is directed, are hardly touched upon in this defence. See Report American Historical Association, 1903

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